Comprehensive Reforms and Draft Clauses for the Draft Advocates (Amendment) Bill, 2026

Submitted to:
The Chairman, Bar Council of India, 21 Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi – 110002, in response to the Notice dated 18.07.2026 inviting suggestions on the Draft Advocates Act, 1961 proposed Amendments of 2026 (draftadvact2026bill@gmail.com; copy to impcell-dla@nic.in)

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Executive Summary

This submission identifies six structural deficiencies in the Draft Advocates (Amendment) Bill, 2026, and proposes a corresponding set of drafted amendments. The table below summarises the six core problems and the six core fixes; each is developed in full — with comparative analysis and ready-to-adopt statutory text — in the chapters that follow. A seventh, supportive chapter identifies provisions of the Draft that ILRF endorses and recommends be retained.

Core Problem	Proposed Reform
1. A regressive, front-loaded enrolment fee. Clause 18 raises the aggregate enrolment fee to ₹22,500 (₹18,000 + ₹4,500), a thirty-fold increase concentrated on the entrant least able to pay — the first-generation lawyer on day one — contrary to the substantive-equality reasoning of Gaurav Kumar v. Union of India (2024).	Restore a modest entry fee and shift the revenue burden to a graduated, recurring renewal fee scaled by professional standing, with the first five years of practice exempt and Senior Advocates and Advocates-on-Record contributing at the highest tier (rewrite of Section 24(1)(f); new Section 19B).
2. Fee revision by executive notification. The second proviso to the proposed Section 24(1)(f) permits the BCI, in consultation with the Central Government, to revise the fee "by notification" — reintroducing, through delegated legislation, the very escape from parliamentary control that Gaurav Kumar condemned.	Confine future revision to a transparent Consumer Price Index formula subject to a statutory ceiling, with revising notifications laid before Parliament (proviso substituted in Section 24(1)(f)).
3. The "continued entitlement" Bar Examination. Section 2(ea) redefines the Bar Examination as a condition of the continued entitlement of an enrolled advocate to practise, enabling open-ended periodic re-examination through unguided rulemaking under Section 49(1)(aff).	Confine the Bar Examination to a one-time pre-enrolment qualification, preserving only the narrow re-qualification category sanctioned by the Constitution Bench in Bar Council of India v. Bonnie Foi Law College (substituted Section 2(ea)).
4. An open-ended entrance-examination power. Sections 7(1)(ha) and (hc) empower the BCI to provide an entrance test for all centres of legal education without recognising CLAT, State CETs and university examinations already in force — risking duplicative testing, cost-stacking on aspirants, and federal friction.	Mandate statutory recognition of existing entrance examinations, prohibit requiring any candidate to qualify more than one such test, and require prior consultation with the UGC, the CLAT Consortium and State Governments (proviso to Section 7(1)(ha)).
5. An uncapped transfer fee. Clause 16 converts the presently free transfer between State rolls under Section 18 into a fee "as may be prescribed", without a ceiling — burdening precisely the young, mobile advocates who migrate for work.	Impose a statutory ceiling of ₹1,000 on the transfer fee, with the one-fourth concession for SC/ST candidates and persons with benchmark disabilities (amendment to Clause 16).

6. Election Tribunal independence deficit. New Section 15A makes Tribunal decisions "final" while the BCI — itself an interested party in State Bar Council election disputes — appoints the members, prescribes the procedure and bears the expenses.	Require appointment of the Presiding Officer in consultation with the Chief Justice of India, state expressly that finality is subject to constitutional remedies, and insulate the Tribunal's budget (substituted Section 15A).

Chapter 6 proposes a seventh structural reform: a statutory, inclusive definition of "professional misconduct", closing a six-decade legislative gap that the Hon'ble Supreme Court has repeatedly noted while developing the concept case by case. A cross-cutting supplementary chapter then proposes proportionality and implementation corrections to Section 24C (removal on conviction), Section 45 (enhanced imprisonment), Section 12 (Central Government audit proviso), Chapter IIIA (mandatory law-firm registration), Section 36B (disciplinary timelines), Section 19A (digital verification of credentials), Section 2(i) (legal practitioners and in-house counsel), the welfare-implementation architecture, the protection of advocates, and the democratic integrity of Bar elections — and records ILRF's support for the welfare, representation and provisional-enrolment reforms of the Draft.

1. Introduction to the Regulatory Imperative

The Draft Advocates (Amendment) Bill, 2026, published by the Bar Council of India on 18.07.2026, is the most comprehensive attempt to modernise the statutory framework governing the Indian legal profession since the enactment of the Advocates Act, 1961. ILRF welcomes the Draft's profession-first orientation: the removal of the strike-punishment, office-bearer discipline, heavy-fine, and government-nominee provisions of the 2025 draft; the draft enables the expansion of welfare schemes, pension, insurance, and social-security functions for advocates in India. The assured representation of women in State Bar Councils and the statutory protection of Indian courts for Indian advocates are landmark reforms to improve the working conditions of advocates and legal practitioners.

This submission is directed at a narrower set of provisions where the Draft, in ILRF's respectful assessment, either departs from binding constitutional reasoning of the Hon'ble Supreme Court or delegates consequential questions to unguided subordinate legislation. The most significant of these is the financial architecture of entry into the profession. The Draft answers the formal holding of Gaurav Kumar v. Union of India, W.P. (C) No. 352 of 2023, decided 30.07.2024 (reported as (2025) 1 SCC 641), by amending the statute the Court interpreted. Still, it does not answer the Court's substantive reasoning — that entry-stage financial barriers offend Articles 14, 19(1)(g) and 21, and fall hardest on candidates from marginalised and economically weaker backgrounds. A thirty-fold statutory increase in the enrolment fee, concentrated at the point of entry, reproduces in primary legislation the mischief the Court removed from delegated legislation.

ILRF welcomes the substantive reforms, yet its central proposal is architectural rather than oppositional, based on the expanded welfare functions of the Bar Councils, suggesting it should be funded by those best able to bear the cost, through a modest, graduated, recurring renewal fee spread across the profession's more than a million enrolled advocates and scaled by professional standing, rather than front-loaded onto the entrant especially first-generation lawyers. This model is neither novel nor foreign to Indian law: the Bar Council of India's own Certificate and Place of Practice (Verification) Rules, 2015 already establish a five-yearly renewal architecture, and it is the settled funding model of comparable regulators, including the Solicitors Regulation Authority of England and Wales. The chapters that follow develop this and the connected reforms with comparative analysis and ready-to-adopt statutory text.

2. Comparative Frameworks for Funding Professional Regulation

The table below situates the Draft's fee architecture against the existing Indian statutory position, India's own renewal-based rules, and comparable common-law regulators.

Framework	Entry-stage fee	Recurring fee	Equity features
India — Advocates Act, 1961 as interpreted in	Aggregate capped at ₹750 (general) / ₹125 (SC-ST); no additional	None under the Act itself.	Cap grounded in Articles 14, 19(1)(g) and 21; delegated authorities barred

Gaurav Kumar (2024)	charges under any head at enrolment.		from exceeding statutory fiscal limits.
India — BCI Certificate and Place of Practice (Verification) Rules, 2015	—	Certificate of Practice valid five years; renewal on payment of a nominal process fee (reduced from ₹500 to ₹100 under the amended Rules as reported in 2015).	As reported at notification, Senior Advocates and Supreme Court Advocates-on-Record were exempted — an inversion of ability-to-pay that the present Draft should correct rather than entrench.
England and Wales — SRA / Law Society	No significant entry barrier; admission fee nominal.	Annual practising certificate fee of £396 for 2025/26 (regulatory fee £326 + compensation-fund contribution £70); firm periodic fees calculated on turnover.	Fee pro-rated in-year; discount of up to £139 on maternity or equivalent leave; a solicitor may remain on the Roll without a practising certificate at no annual fee; fee set with approval of an oversight regulator (Legal Services Board) under Section 51, Solicitors Act 1974.
United States — State bar associations (illustrative)	Admission/examination fees at entry.	Annual or biennial registration dues; several state bars scale dues by years since licensure, with reduced rates for newly admitted attorneys and inactive members.	Graduation by seniority operationalises ability-to-pay; hardship waivers common.
Draft Advocates (Amendment) Bill, 2026 (as published)	₹18,000 to the State Bar Council + ₹4,500 to the BCI = ₹22,500 aggregate; one-fourth for SC-ST candidates and persons with benchmark disabilities unable to pay.	None (the 2015 Rules' renewal architecture is left unintegrated); transfer between State rolls converted from free to a fee "as may be prescribed".	Future revision by BCI notification in consultation with the Central Government — no ceiling, no formula, no parliamentary laying requirement.

The comparative position is unambiguous: mature regulators fund regulation through modest recurring fees calibrated to capacity, not through entry-stage barriers. The Draft inverts this consensus, and simultaneously leaves unintegrated the renewal architecture that Indian delegated legislation has contained since 2014–15.

3. The Enrolment Fee: From Entry Barrier to Graduated Renewal

3.1 Deconstructing Clause 18

Clause 18(iv) of the Draft substitutes Section 24(1)(f) to prescribe an enrolment fee of eighteen thousand rupees to the State Bar Council and four thousand five hundred rupees to the Bar Council of India. The covering letter justifies the increase by the age of the 1993 figure and the directions stated to have been issued in Pankaj Sinha v. Bar Council of India & Ors., W.P. No. 1261/2025, to revise the fee in line with inflation. Neither justification supports the quantum chosen. Indexing the 1993 aggregate of ₹750 to consumer-price inflation yields a figure in the low thousands of rupees; ₹22,500 is a policy choice, not an inflation adjustment.

More fundamentally, the quantum collides with the reasoning — as distinct from the narrow holding — of the Hon'ble Supreme Court in Gaurav Kumar. The Court there consolidated challenges from multiple High Courts against State Bar Councils charging between ₹15,000 and ₹42,100 at enrolment. It held that such charges created a financial barrier for law graduates from marginalised and economically weaker sections, offending the right to practise under Article 19(1)(g) read with the guarantees of substantive equality under Article 14 and dignity under Article 21. Parliament may lawfully amend the fee the Court interpreted; but a Draft that re-enacts, as a statutory figure, the very range of charges the Court found to be an unconstitutional barrier invites renewed constitutional challenge and — more importantly — reproduces the exclusionary effect on first-generation lawyers and entrants from tier-2 and tier-3 towns whom the profession most needs.

The Constitution Bench had already sounded the caution. In Bar Council of India v. Bonnie Foi Law College (2023), while upholding the BCI's power to hold the All India Bar Examination, the Court expressly directed that the enrolment fee must not become oppressive. A fee equal to several months' income of a junior advocate in a district town is oppressive in every sense the Court intended.

The Draft's concession clause is also internally incomplete. The one-fourth concession extends to Scheduled Castes, Scheduled Tribes and persons with benchmark disabilities. Still, it omits candidates of the Economically Weaker Sections — an omission that is incoherent for a provision whose equity rationale is ability to pay, and out of step with the constitutional recognition of economic criteria in the One Hundred and Third Amendment as upheld in Janhit Abhiyan v. Union of India (2022). The reformulated clauses below accordingly extend the concession to holders of a valid EWS certificate, at both the entry and the renewal stages.

3.2 The Renewal Alternative Already Exists in Indian Law

The architecture for a recurring fee requires no invention. The Bar Council of India Certificate of Practice and Renewal Rules, 2014, replaced by the Certificate and Place of Practice (Verification) Rules, 2015, already require every advocate to obtain a Certificate of Practice valid for five years and renewable on payment of a process fee — a fee kept deliberately nominal (reduced from ₹500 to ₹100 under the amended Rules as reported at notification, and itself the subject of litigation when State Bar Councils demanded more). Two features of

that regime matter here. First, it demonstrates that periodic, roll-wide collection is administratively feasible and legally established. Second, as reported when the amended Rules were notified in 2015, Senior Advocates and Supreme Court Advocates-on-Record were exempted from the verification requirement altogether. So the recurring obligation presently excludes exactly the members of the profession with the greatest capacity to contribute. At the same time, the Draft now concentrates the burden on the entrant with the least. The reform proposed below corrects both inversions at once.

The revenue arithmetic strongly favours the shift. India has well over a million enrolled advocates. A graduated five-yearly renewal fee — nil for the first five years of practice, moderate thereafter, and highest for designated Senior Advocates and Advocates-on-Record — raises substantially more, and more predictably, for the welfare funds contemplated by the amended Sections 6(2) and 7(2) than a one-time levy on the roughly seventy to one hundred thousand annual entrants, while removing the entry barrier entirely. This is also the settled model of comparable regulators for example, in the UK: the Solicitors Regulation Authority collects an annual practising certificate fee (£396 for 2025/26) from every practising solicitor, calculates firm fees on turnover so that large commercial practices contribute proportionately, discounts the fee on maternity leave, and charges nothing to remain on the Roll without practising.

3.3 Proposed Legislative Reforms for the Fee Architecture

Current 2026 Draft Provision	Proposed Reformulation (Draft Clause)
Clause 18(iv) — substituted Section 24(1)(f): "(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: Provided that where such person belongs to the Scheduled Castes or the Scheduled Tribes, or is a person with benchmark disability … the enrolment fee payable under this clause shall be one-fourth of the fee payable: Provided further that the Bar Council of India in consultation with the Central Government may revise the amount of enrolment fee by notification."	Substituted Section 24(1)(f): "(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 two thousand five hundred rupees to the State Bar Council and five hundred rupees to the Bar Council of India, in such manner as may be specified by the respective State Bar Council: 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 (r) of section 2 of the Rights of Persons with Disabilities Act, 2016, or belongs to the Economically Weaker Sections and produces a valid certificate issued by the competent authority, the enrolment fee payable under this clause shall be one-fourth of the fee payable: Provided further that no fee, charge or contribution, by whatever name called, other than the fee and stamp duty specified in this clause, shall be demanded from any person at the stage of enrolment: Provided also that the fee specified in this clause shall stand revised once in every three years in proportion to the variation in the All-India Consumer Price Index, by notification of the Bar Council of India made in consultation with the Central Government and laid before each House

	of Parliament, subject to a ceiling of five thousand rupees in the aggregate.”
No corresponding provision. (The recurring-fee architecture exists only in delegated legislation — the Certificate and Place of Practice (Verification) Rules, 2015 — outside the Act, without graduation and, as reported, with Senior Advocates and Advocates-on-Record exempted.)	Insertion of new Section 19B — Graduated renewal fee: “19B. (1) Every advocate whose name is entered on a State roll shall, for the continued validity of the certificate of practice, pay to the State Bar Council, once in every five years and in such manner as may be prescribed, a renewal fee at the following rates — (a) advocates of standing up to five years: nil; (b) advocates of standing exceeding five years but not exceeding fifteen years: two thousand five hundred rupees; (c) advocates of standing exceeding fifteen years: five thousand rupees; (d) advocates designated as Senior Advocates under section 16 and Advocates-on-Record of the Supreme Court: ten thousand rupees. (2) Where the advocate belongs to the Scheduled Castes or the Scheduled Tribes, or is a person with benchmark disability, or belongs to the Economically Weaker Sections and holds a valid certificate issued by the competent authority, and is unable to pay the fee due to financial condition, the renewal fee payable shall be one-fourth of the fee payable. (3) The State Bar Council may, for reasons to be recorded, defer or waive the renewal fee of any advocate on grounds of financial hardship, prolonged illness, disability, or maternity. (4) The proceeds of the renewal fee shall be credited to the funds constituted under sub-section (2) of section 6 and sub-section (2) of section 7 and applied exclusively to the purposes specified therein and to the maintenance of the rolls, and shall be separately disclosed in the audited accounts under section 12. (5) Non-payment of the renewal fee shall not entail removal of the advocate’s name from the State roll; the certificate of practice may, after notice and a reasonable opportunity of being heard, be suspended until payment, and shall be restored on payment without penalty or re-enrolment. (6) The rates specified in sub-section (1) shall stand revised in the manner and subject to the laying requirement provided in the third proviso to clause (f) of sub-section (1) of section 24.”

The design deliberately protects the vulnerable at every point: a nil tier for the first five years shields precisely the cohort the ₹22,500 levy would exclude; suspension-not-removal preserves the roll entry as Gaurav Kumar’s dignity reasoning requires; the earmarking and disclosure requirements answer the Court’s directions on financial accountability; and the parliamentary-laying requirement restores the legislative control over fiscal exactions on which the judgment insists.

4. The "Continued Entitlement" Bar Examination

4.1 Analysis of Section 2(ea)

Clause 2(b) inserts Section 2(ea), defining "Bar Examination" as an examination prescribed by the BCI "for the continued entitlement of a law graduate enrolled with any State Bar Council as an advocate to exercise the right to practise the profession of law". The operative machinery is then delegated wholesale: the amended Section 7 empowers the BCI to make rules for the conduct of the Bar Examination, and Section 49(1)(aff) confers open-ended rulemaking over "the Bar examination under clause (ea) of section 2". Read together, the words "continued entitlement" are capable of supporting periodic re-examination of advocates already enrolled — a proposal that appeared in the shelved 2025 draft, contributed materially to the profession-wide protests against it, and now returns embedded in a definition clause rather than an operative section.

The constitutional and precedential position is precise, and the proposed drafting should track it. In Bar Council of India v. Bonnie Foi Law College (2023), the Constitution Bench upheld the BCI's power to require law graduates to qualify the All India Bar Examination as a condition of entry, permitted final-semester students to appear, and accepted a single, narrow re-qualification category: a person who has remained in employment other than legal practice for five years or more may be required by rule to take the examination again to regain qualification. The Bench did not sanction — and the profession has consistently resisted — rolling re-examination of practising advocates. The recent reforms recorded before the Hon'ble Supreme Court in January 2026 (the BCI Rules, 2026: the AIBE to be conducted twice a year, with final-semester students eligible subject to passing their university examinations) all operate at the entry stage and are consistent with this settled position. A definition that quietly exceeds it should be corrected.

An enrolled advocate would otherwise face three stacked recurring compliance layers — five-yearly Certificate of Practice renewal and verification under the 2015 Rules, credential verification under the proposed Section 19A, and a potential periodic examination under Section 2(ea) — each administered through delegated legislation without statutory safeguards as to frequency, syllabus, grandfathering or consequences of failure. A requirement of this magnitude, if it is ever to exist, belongs in the body of the Act after full deliberation, not in a definition.

4.2 Proposed Legislative Reform

Current 2026 Draft Provision	Proposed Reformulation (Draft Clause)
Section 2(ea): "'Bar Examination' means any examination or test, including the All India Bar Examination, as may be prescribed by the Bar Council of India for the continued entitlement of a law graduate enrolled with any State Bar Council as an advocate to exercise the right to practise the profession of law".	Substituted Section 2(ea): "'Bar Examination' means any examination or test, including the All India Bar Examination, as may be prescribed by the Bar Council of India, which a law graduate must qualify, prior to or at the time of enrolment with a State Bar Council, as a condition of the initial entitlement to practise the profession of law: Provided that an advocate who has remained in employment other

	than the practice of law for a continuous period of five years or more may, in accordance with rules made in this behalf and in terms of the judgment of the Hon'ble Supreme Court in Bar Council of India v. Bonnie Foi Law College, be required to re-qualify the Bar Examination before resuming practice: Provided further that, save as provided in the first proviso, no advocate whose name is entered on a State roll shall be required to qualify any examination for the continuance of the right to practise." Consequential amendment: in Section 49(1)(aff), after the words "the Bar examination under clause (ea) of section 2", insert ", consistently with the limits specified in that clause".

5. The Entrance Examination for Legal Education

5.1 Analysis of Sections 7(1)(ha) and (hc)

Clause 6 inserts Sections 7(1)(ha) and (hc), empowering the BCI "to provide for an entrance examination or test for admission in bachelor degree courses in centres of legal education in the country" and to prescribe minimum qualifications for such admission, with corresponding rulemaking under Section 49(1)(af). The provision is enabling and entirely open-textured: it does not state whether the BCI will conduct its own national examination, recognise examinations already in force, or merely require that some test exist.

The existing ecosystem is dense. The Common Law Admission Test governs the National Law Universities through a consortium; State examinations (MH CET Law and the LAWCETs, among others), LSAT-India, and university-specific tests (including those of Delhi University, BHU and AMU) govern much of the remainder; and thousands of affiliated colleges admit without any entrance test. An unguided BCI power over "centres of legal education in the country" therefore raises four concrete risks: duplicative testing, with aspirants — disproportionately those from smaller towns — paying for and writing multiple national examinations; conflict with the CLAT Consortium and with State admission frameworks; overlap with the University Grants Commission's jurisdiction over higher-education standards; and doubt as to whether the BCI's remit under the Act, which the Supreme Court's legal-education jurisprudence has generally tied to standards relevant to enrolment, extends to pre-legal-education admission at all. None of these risks requires abandoning the provision; a recognition-first, non-duplication mandate answers each.

5.2 Proposed Legislative Reform

Current 2026 Draft Provision	Proposed Reformulation (Draft Clause)
Section 7(1)(ha): "to provide for an entrance examination or test for admission in bachelor degree courses in centres of legal education in the country"; Section 7(1)(hc): "to prescribe	Retain clauses (ha) and (hc), and insert the following proviso after clause (hc): "Provided that — (i) the Bar Council of India shall, by rules, recognise any entrance examination conducted by a consortium of

the minimum qualifications required for admission to a bachelor degree in law".	National Law Universities, by a State Government or its designated authority, or by a university established by law, as satisfying the requirement of clause (ha), where such examination meets the minimum standards prescribed; (ii) no candidate shall be required to qualify more than one entrance examination for admission to any centre of legal education; and (iii) no rules under clauses (ha) or (hc) shall be made except after consultation with the University Grants Commission, the consortium or authority conducting any examination recognised under sub-clause (i), and the State Governments concerned."

6. A Statutory Definition of Professional Misconduct

6.1 Analysis of the Legislative Gap

Section 35 of the Act empowers disciplinary proceedings for "professional or other misconduct", and the Draft tightens the machinery — a fifteen-day referral timeline under the substituted Section 35(1), interim orders in serious prima facie cases under Section 36, and judicial-proceeding status for disciplinary committees under Section 42 — yet the Act, sixty-five years after enactment, still nowhere defines the conduct that triggers this machinery. The concept has been developed entirely by the Hon'ble Supreme Court: V.C. Rangadurai v. D. Gopalan, (1979) 1 SCC 308, locating the disciplinary jurisdiction in the nobility of the profession and fairness to the advocate; P.D. Khandekar v. Bar Council of Maharashtra, (1984) 2 SCC 556, holding that misconduct is not capable of exhaustive definition and must be assessed on the facts of each case; Noratanmal Chouraria v. M.R. Murli, (2004) 5 SCC 689, extending the concept to conduct outside strictly professional capacity where it degrades the honour and dignity of the profession; and Bar Council of Maharashtra v. M.V. Dabholkar, (1975) 2 SCC 702, articulating the public purpose of the disciplinary jurisdiction — the preservation of the purity and credibility of the profession and of public confidence in the administration of justice.

This jurisprudence is rich, but it is not a substitute for statutory notice. A framework in which the trigger for a career-ending jurisdiction is undefined — and now operates on accelerated timelines with interim-order powers — sits uneasily with the principles of legal certainty and natural justice: an advocate is entitled to know, from the statute, the conduct that may attract discipline, and disciplinary committees across State Bar Councils are entitled to a uniform legislative standard rather than divergent case-by-case reconstruction. The moment of a comprehensive amendment is precisely the moment to close the gap. The definition proposed below is deliberately inclusive rather than exhaustive: it anchors misconduct to the standards prescribed under Sections 7(1)(b) and 49(1)(c), supplies an illustrative list of the categories that recur in the decided cases, preserves the Khandekar flexibility through its residual limb, and codifies the Noratanmal boundary between personal conduct and professional discipline through a bearing-on-the-profession proviso — supplementing, not displacing, the case law.

6.2 Proposed Legislative Reform

Current 2026 Draft Provision	Proposed Reformulation (Draft Clause)
No corresponding provision. (Neither the Advocates Act, 1961 nor the Draft defines "professional or other misconduct" for the purposes of Sections 35 and 36, although the Draft accelerates and strengthens the disciplinary machinery that the undefined term activates.)	In Section 2(1), insert: "(ka) 'professional misconduct' means any act or omission of an advocate which constitutes a breach of the standards of professional conduct and etiquette laid down under clause (b) of sub-section (1) of section 7 or prescribed under clause (c) of sub-section (1) of section 49, or which is otherwise dishonourable, improper or unbecoming of an advocate, and includes — (i) misappropriation or misuse of the money or property of a client; (ii) acting in a matter involving a conflict of interest without the informed consent of the client; (iii) breach of the confidentiality of a client; (iv) misleading a court, tribunal or authority, or suppressing material facts therefrom; (v) gross negligence in the discharge of professional duty; (vi) wilful abuse of the process of law; and (vii) any other conduct which seriously undermines the dignity, integrity or independence of the legal profession or public confidence in the administration of justice: Provided that conduct of an advocate in personal capacity shall not constitute professional misconduct unless it has a direct and substantial bearing upon the advocate's integrity or fitness to practise, or upon the honour and reputation of the legal profession; and the expressions 'professional or other misconduct' in sections 35 and 36 shall be construed accordingly."

7. Supplementary Structural Reforms

Without prejudice to the reforms above, ILRF proposes the following corrections to connected provisions of the Draft. Each row supplies ready-to-adopt text.

Current 2026 Draft Provision	Proposed Reformulation (Draft Clause)
Clause 16 — Section 18(1): for the words "without the payment of any fee", the words "upon payment of such transfer fee, as may be prescribed" are substituted (no ceiling).	Substitute instead: "upon payment of such transfer fee, not exceeding one thousand rupees, as may be prescribed: Provided that the concession provided in the first proviso to clause (f) of sub-section (1) of section 24 shall apply to the transfer fee." Rationale: inter-State mobility is highest among junior advocates; an uncapped prescribed fee recreates, in miniature, the entry-barrier problem of Clause 18.
Clause 14 — Section 15A: the BCI establishes Election Tribunals, prescribes their terms, procedure and remuneration, bears their	In sub-section (1): after "establish Election Tribunals", insert ", the Presiding Officer whereof shall be appointed in consultation with the Chief

expenses, and "the decision of such Tribunal shall be final".	Justice of India,"; and for the words "shall be final", substitute "shall be final, subject to the remedies available under Articles 226 and 32 of the Constitution". Insert new sub-section: "The expenses of the Election Tribunal shall be charged to a separate fund maintained for the purpose, and no direction shall be issued to the Tribunal in the exercise of its adjudicatory functions." Further, in sub-section (2)(a), after "has served as a Chief Justice of a High Court", insert "or has served as a Judge of a High Court for a period of not less than five years". Rationale: the BCI is an interested party in State Bar Council election disputes (its own member representatives are elected from those bodies); adjudicative independence must be structural, and a statutory finality clause cannot in any event oust constitutional review. The eligibility extension answers a practical scarcity: confining the Presiding Officer's post to former Supreme Court Judges and former Chief Justices risks chronic vacancies in tribunals meant to decide references within six months.
Clause 21 — Chapter IIIA, Section 28A: "Every law firm operating in India shall register with a Bar Council" on payment of such fee and subject to such conditions as may be prescribed by the BCI (no ceiling, no transition, no small-firm accommodation).	Insert provisos to Section 28A: "Provided that the registration fee for a law firm comprising ten or fewer advocates shall not exceed five thousand rupees, and no periodic renewal fee shall be charged from such firms: Provided further that a firm which has made a complete application shall be deemed to be registered if no order is communicated within sixty days: Provided also that firms in existence on the commencement of the Advocates (Amendment) Act, 2026 shall have a period of twelve months to register." Rationale: the covering letter's stated object is to strengthen small, district- and taluka-level firms; an uncapped prescribed fee and undefined conditions would burden exactly those firms.
Clause 20 — new Section 24C: removal of an advocate's name from the State roll upon conviction and sentence of two years or more, confirmed by the High Court or Supreme Court, for any offence.	In Section 24C, after the words "convicted of an offence", insert "involving moral turpitude or committed in the course of, or in relation to, professional practice". Rationale: an unqualified two-year trigger sweeps in convictions with no bearing on professional integrity — including offences arising from public protest — and exceeds the proportionality required of restrictions on Article 19(1)(g); Section 24A already supplies the moral-turpitude standard at entry, and the removal standard should mirror it.

Clause 26 — Section 45: for imprisonment "which may extend to six months", the Draft substitutes "three years or with fine or with both" for persons illegally practising in courts.	Substitute "one year, or with fine, or with both". Rationale: a six-fold enhancement of a penal provision, enacted without published data on prosecution or conviction under the existing Section 45, is disproportionate; unauthorised practice is adequately deterred by a one-year term coupled with fine, and the provision's breadth ("practises") counsels restraint.
Clause 11 — Section 12(2), second proviso: "if in the opinion of the Central Government, the accounts of the Bar Council do not represent a true and fair view of its finances, the Central Government may forward recommendations to take such other action as the Bar Council considers necessary."	Omit the second proviso; retain the first (special audit by the Bar Council itself). In the alternative, substitute: "Provided further that where its auditor finds the accounts of a Bar Council not to represent a true and fair view of its finances, the Bar Council shall cause a special audit by an auditor empanelled by the Comptroller and Auditor-General of India and shall publish the report." Rationale: the Draft's principal achievement over the 2025 version is the deletion of Government nominees; a free-standing Central Government "opinion" on Bar Council finances re-opens, in softer form, the supervisory channel the deletion was meant to close.
Clause 24 — Section 36B: for the words "one year", the words "two years" are substituted, doubling the period within which a State Bar Council disciplinary committee must dispose of a complaint.	Retain the words "one year". Insert in Section 42A-adjacent rulemaking: "Every State Bar Council shall provide its disciplinary committees with permanent registrar-level secretarial support, and shall publish the number, age and disposal of pending disciplinary complaints." Rationale: doubling the statutory timeline institutionalises delay against complainants while prolonging the cloud over accused advocates; the accelerated fifteen-day referral under the substituted Section 35(1) — which ILRF supports — is undermined if the committee stage is simultaneously slowed. Pendency is an administrative-capacity problem and should be cured with capacity, not with a longer clock.
Clause 17 — Section 19A: State Bar Councils to verify the place of practice and the validity or genuineness of educational certificates "in such manner as may be prescribed" (manual verification implied; rulemaking under Section 49(1)(ai)).	Insert proviso to Section 19A: "Provided that such verification shall, wherever feasible, be carried out electronically through the digital infrastructure of the Central Government, including DigiLocker and the Academic Bank of Credits, and every university or centre of legal education shall, on the request of the enrolled advocate or applicant, transmit the degree and marks records directly to the digital registry maintained by the Bar Council of India." Rationale: manual verification by burdened State Bar Councils invites delay and rent-seeking; the credential-verification infrastructure already exists at national scale and should be named in the statute so that rules cannot default to paper.

Clause 2(e) — substituted Section 2(i): "legal practitioner" covers an advocate practising before courts and a law graduate enrolled with a State Bar Council "employed in government or any government organisation for rendering legal advice" — excluding the substantial cohort of in-house counsel in the private sector.	In the substituted clause (i), after the words "government or any government organisation", insert "or any private sector, public sector or joint sector organisation". Further insert a new clause: "(ia) 'in-house counsel' means a law graduate or advocate employed by an organisation principally for rendering legal advisory, transactional, compliance, drafting or dispute-management services to that organisation; an in-house counsel may retain enrolment on a State roll in a non-litigating category, as may be prescribed, and shall while so enrolled remain subject to the disciplinary jurisdiction under this Act, and communications made in the course of rendering legal advice shall receive the protection available to professional communications." Rationale: recognising in-house practice aligns the Act with the modern legal market, extends disciplinary accountability to a large unregulated cohort, and clarifies the privilege grey area — while the non-litigating category preserves the litigation bar's existing boundaries.
Sections 6(2) and 7(2) as substituted — welfare funds and trusts financed "through annual or such other subscriptions or financial contributions from advocates in such manner, as may be prescribed", with no implementation architecture, beneficiary database, or reporting obligation.	Insert in Section 7: "(6) The Bar Council of India shall — (a) assign to every advocate, at enrolment, a Universal Advocate Number; (b) maintain a national digital portal, linked to such Number, through which contributions under sub-section (2), insurance and pension enrolments and claims, stipends and welfare disbursements shall be routed and tracked; (c) pool, wherever advantageous, the insurance coverage of enrolled advocates across State Bar Councils; and (d) publish annually an audited report of the receipts, investments and disbursements of every fund and trust under this section and section 6, including the number of beneficiaries under each scheme." Rationale: the welfare architecture — which ILRF supports and proposes to fund through the graduated renewal fee in Chapter 3 — will exist only on paper without a centralised, provident-fund-style digital backbone; routing disbursements and any prescribed stipends through a traceable portal prevents leakage and cash-based underpayment, and the annual report answers the financial-accountability directions in Gaurav Kumar.
No corresponding provision. (The Draft is silent on the physical safety of advocates, although the BCI circulated a draft Advocates (Protection) Bill in 2021 and State legislatures, including Rajasthan in 2023, have enacted advocate-protection legislation.)	Insert a new Chapter (Protection of Advocates): "Whoever commits or threatens violence, criminal intimidation, or wrongful restraint against an advocate in the discharge of professional duties, with intent to deter the discharge of those duties, shall be punished with imprisonment which may extend to two years, or with fine, or with both; an offence

	under this Chapter shall be cognizable; and no court shall take cognizance except upon a complaint or police report disclosing the nexus with professional duty." Rationale: a fear-free environment is a precondition of independent practice; the nexus requirement and moderate penalty keep the provision proportionate and prevent its misuse in ordinary private disputes, while parity with the protection extended to other professions answers a long-standing demand of the Bar.
Section 6(1)(dd) as substituted — State Bar Councils to issue directions to Bar Associations for strengthening their functioning — with no provision addressing multiple simultaneous memberships and multi-voting in Bar elections.	Insert in Section 6: "Every advocate shall declare to the State Bar Council one Bar Association as the advocate's principal Bar Association, and shall be entitled to vote in the elections of that Association alone; the declaration may be changed not more than once in an election cycle, in such manner as may be prescribed." Rationale: the 'One Bar, One Vote' principle — endorsed in the Delhi High Court's treatment of Delhi's bar-association elections — dismantles multi-voting, makes Bar Associations answerable to their regular practitioners, and gives the statutory recognition of Associations under the Draft a democratic foundation.
Clause 6 — Sections 7(1)(ie) and 49(1)(ed): fly-in and fly-out practice by foreign lawyers and foreign law firms to be regulated by rules as to "manner and procedure, form, and fee", with no enforcement trail for engagements occurring outside any registry.	In Section 49(1)(ed), after the words "fly in fly out basis", insert "including a requirement that the Indian client, instructing party or host law firm file, on the portal of the Bar Council of India, a declaration of engagement recording the identity of the foreign lawyer or firm, the permitted area of practice engaged, and the duration of the visit". Rationale: the Section 47 restrictions — which ILRF supports — are only as strong as their audit trail; a host-side declaration creates one without burdening the foreign visitor with Indian process.
Section 3(2)(b) as substituted — women's representation secured partly through seats co-opted by the BCI "in consultation with concerned State Bar Councils and Bar Associations", with no published criteria, panel or reasons.	Insert proviso to Section 3(2)(b): "Provided that every co-option shall be made from a publicly notified panel of eligible women advocates on the electoral roll of the State, for reasons to be recorded and published; and the Bar Council of India shall, after two general elections to the State Bar Councils held under this Act, review whether the co-opted seats should be converted into seats filled by direct election from territorially zoned constituencies, and place the review before the Central Government." Rationale: ILRF supports the assured representation of women and of unrepresented regions; the safeguard answers the patronage risk inherent in co-option, and the phased-conversion review points the architecture toward the direct democratic mandate

	without discarding the transitional objectives the co-option mechanism serves.

8. Provisions of the Draft that ILRF Supports

Consistent with a constructive consultation, ILRF records its support for, and recommends the retention of, the following features of the Draft: the omission of the strike-punishment and Bar Association office-bearer discipline provisions and of Government nominees in the Bar Councils; the welfare, insurance, pension, medical-relief and social-security architecture of the amended Sections 6(2) and 7(2), including the express continuation of existing trusts; the extension of the provisional-enrolment window in Section 8 from six to twelve months, which coheres with the BCI Rules, 2026 (the All India Bar Examination held twice a year with final-semester eligibility) as recorded before the Hon'ble Supreme Court in January 2026; the assured representation of women in State Bar Councils through reserved elected seats and co-option from the electoral roll, together with the representation of unrepresented regions; the strengthened twenty-five-member Legal Education Committee; the fifteen-day timeline for reference of disciplinary complaints under Section 35; and the statutory protection, under the substituted Section 47, of practice before Indian courts, tribunals and authorities exclusively for enrolled advocates, subject to the narrow international-commercial-arbitration exception. ILRF's proposals in Chapters 3 to 6 are intended to fortify, not to impede, this reform programme: a welfare architecture is strongest when it is funded progressively and administered by institutions whose independence is structurally secured.

9. Synthesised Conclusions

The Draft Advocates (Amendment) Bill, 2026 is a genuine profession-first restructuring, and the Bar Council of India's consultative approach — including the deletion of every provision that provoked the 2025 protests — deserves acknowledgement. The reforms proposed in this submission are targeted at the small number of provisions where the Draft is in tension with the constitutional reasoning of the Hon'ble Supreme Court or delegates consequential questions without statutory guidance. Replacing the ₹22,500 entry levy with a modest enrolment fee and a graduated renewal fee funds the welfare architecture more fully, more fairly and more sustainably, while honouring Gaurav Kumar and the Constitution Bench's direction that the fee must not become oppressive. Confining the Bar Examination to its judicially sanctioned entry-stage role, mandating recognition and non-duplication in the entrance-examination power, capping the transfer and small-firm registration fees, securing the independence of the Election Tribunals, and restoring proportionality to Sections 24C, 45, 36B and 12 would together transform the Draft from a strong reform instrument into a constitutionally resilient one. The definition of professional misconduct proposed in Chapter 6 gives the Draft's accelerated disciplinary machinery the legislative certainty that natural justice requires. The supplementary reforms — the EWS concession, digital verification of credentials, recognition of in-house counsel, the Universal Advocate Number and welfare portal, the protection-of-advocates chapter, the 'One Bar, One Vote' principle, and the safeguards on co-option — supply the implementation architecture without which welfare and

representation remain aspirations. ILRF would welcome the opportunity to assist the Council and the Ministry of Law and Justice in the further refinement of the Bill.

Submitted on behalf of the India Legal Research Foundation (ILRF), www.ilrf.in, by email to draftadvact2026bill@gmail.com (copy to impcell-dla@nic.in), in response to the Bar Council of India's Notice dated 18.07.2026, within the time appointed (on or before 31 July 2026, 3.00 PM).