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LEGISLATION REVIEW ON ADVOCATE AMENDMENT BILL 2025 AND ITS TEMPORARY WITHDRAWAL

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The Advocate Amendment Bill, 2025 was made available for public consultation on February 13, 2025 published by the Ministry of Law and Justice on its website and the same was withdrawn on February 22, 2025.

The Advocates (Amendment) Bill, 2025, was a recently proposed legislation in India that sought to amend the Advocates Act of 1961, which governs the legal profession in the country. The bill aimed to introduce several changes to the existing legal framework. These changes aimed to revise the regulations governing the legal profession in India. Some of the key notes of proposed amendment are discussed in this article.

Redefining "legal practitioner":

The bill proposed a broader definition of "legal practitioner" to include not only traditional court-practicing advocates but also law graduates working in various capacities within the legal profession, such as in corporations, law firms, and other organizations. The bill aimed to expand the definition of "legal practitioner," potentially including lawyers working in various settings, such as foreign law firms and corporations.

Expanding the means of practicing law:

The bill sought to recognize the evolving nature of legal services and acknowledge the growing importance of legal professionals working in non-litigation roles, such as corporate lawyers, in-house counsel, and legal advisors.

Reforming the Composition of the Bar Council of India:

The bill proposed changes to the composition and functioning of the Bar Council of India, the regulatory body for the legal profession, to enhance its efficiency and effectiveness. The bill

sought to include government nominees in the Bar Council of India, which raised concerns about the independence of the council.

Prohibition of boycotts:

The bill sought to prohibit lawyers from participating in boycotts or abstaining from court proceedings, which sparked debates about the right to protest.

Regulation of foreign lawyers:

The bill aimed to frame regulations for the operation of foreign lawyers and law firms in India. The bill faced significant criticism from the legal community, including the Bar Council of India and various lawyers' associations.

Addressing other issues:

The bill also aimed to address other issues related to the legal profession, such as professional ethics, disciplinary procedures, and the regulation of foreign lawyers practicing in India.

Arousal of Controversies:

The Advocates (Amendment) Bill, 2025, generated considerable debate and discussion

within the legal community and among other stakeholders. While some welcomed the proposed changes as necessary to modernize and adapt the legal profession to the changing times, others expressed concerns about certain provisions of the bill and their potential impact on the independence and autonomy of the legal profession.

Following the extensive consultations with various stakeholders, the government decided to withdraw the bill and is currently in the process of revising it based on the feedback received.

Concerns were raised about the potential impact of the amendments on the independence of the legal profession, the right to protest, and the autonomy of the Bar Council. In response to the widespread criticism and protests, the government decided to withdraw the bill and conduct fresh consultations with stakeholders. The Bar Council of India welcomed this decision and appealed to lawyers to refrain from further protests and strikes.

Conclusion:

The Advocates (Amendment) Bill, 2025, sparked a significant debate about the future of the legal profession in India. The government's decision to withdraw the bill and conduct fresh consultations indicates a willingness to consider the concerns raised by the legal community.

The future of the Advocates (Amendment) Bill and its potential impact on the legal profession in India remain to be seen after review.

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