

March 18, 2025

Shri Arjun Ram Meghwal Ji
Honorable Minister of Law and Justice,
Government of India,
New Dehli – 110001

Via email to dhruvakumar.1973@gov.in and impcell-dla@nic.in

Re: Legal Practitioner – Recognition of In-house Lawyers

Dear Respected Minister of Law and Justice:

The Association of Corporate Counsel (ACC) is a global legal association that promotes the common professional and business interests of in-house counsel who work for corporations, associations, and other organizations through information, education, networking, and advocacy. ACC's membership includes more than 47,000 in-house lawyers employed by over 10,000 corporations, associations, and other organizations in more than 100 countries. ACC has more than 300 members in India.

ACC applauds the Minister on seeking reforms to the Advocates Act, 1961 that recognize the beneficial role in-house counsel play in the practice of law. Through this action, India joins many other jurisdictions that have adopted or are considering reforms to extend full legal privileges to in-house counsel equivalent to lawyers in private practice.

As these jurisdictions have discovered, in-house counsel with equivalent privileges and obligations to private practice lawyers convey a wide range of benefits to their organizations and in turn, contribute positively to their societies and the rule of law. For example, in-house counsel frequently design and administer compliance programs that ensure their organizations satisfy relevant legal and ethical obligations. Additionally, countries that recognize in-house counsel as full legal practitioners are in a much stronger position to attract companies, enhancing their position in the global marketplace.

ACC respectfully requests that the Minister re-propose amendments to the Advocates Act that create a Legal Practitioner role.

Jurisdictions that Recognize In-house Counsel as Full Participating Lawyers

Many jurisdictions around the world recognize in-house counsel as legal practitioners. In all, two-thirds of OECD countries and slightly more than half of G20 countries recognize in-

house lawyers as legal practitioners who are members of the bar and whose legal communications are privileged.

Common law countries in particular have a long tradition of recognizing in-house lawyers as full members of the bar with legal privilege. Australia, Canada, New Zealand, Singapore, the United Kingdom and the United States, among others, all recognize in-house lawyers as full legal practitioners.

This recognition is not limited to common law jurisdictions, however. Many civil law system countries also find benefit in having in-house lawyers as members of their bar associations as well, and the number continues to grow. For example, over the last fifteen years, the number of European Union countries that recognize legal privilege for in-house counsel has more than doubled – from 6 in 2010 to 14 in 2025, more than half of the 27 EU member states.

Benefits accrue to societies where in-house counsel are recognized as full lawyers

Compliance

In-house counsel play a vital role in promoting the efficiency and effectiveness of the broader justice system. By ensuring their companies comply with laws and regulations, they help reduce the burden on the justice system, allowing it to focus on more complex cases. Their advocacy for ethical business practices fosters a culture of integrity and legal compliance, supporting broader societal goals of justice and fairness.

In-house counsel develop training programs, conduct workshops, and create educational materials to help employees understand and adhere to compliance requirements. Through continuous risk management, they identify potential legal risks and develop strategies to mitigate these risks, conducting regular risk assessments and audits to address any gaps.

By recognizing in-house counsel as legal practitioners, regulators and other legal authorities can expect in-house counsel to implement higher standards of legal and regulatory compliance within their organizations, in view of their ethical and professional conduct obligations to the bar associations with whom they are registered. Formal recognition will ensure that in-house counsel are held to the same professional and ethical standards as external lawyers, which can lead to more responsible legal decision making within organizations, reduce regulatory breaches and give in-house counsel a stronger voice to drive legal and ethical conduct within their organizations. This will strengthen compliance and governance frameworks across the Indian corporate landscape.

Competition

Companies increasingly operate on a global scale. Predictably, this results in an evolution on how companies seek legal advice from their law departments for their cross-border business activities. As businesses expand to become global, the in-house lawyers are

March 18, 2025

required to provide assistance not only to the local entity that directly employed them, but also to the broader business operating globally.

Recognizing in-house lawyers as full legal practitioners can enhance India's position in the global marketplace and help attract multinational corporations. Companies have an incentive to headquarter in those countries that extend recognition and privilege to in-house counsel because they can better position their organizations when facing litigation threats. For example, because the US recognizes in-house lawyers as full members of the bar, US-based companies could protect their in-house legal communications against discovery in US litigation. India-based companies facing litigation in the US would have to disclose equivalent legal communications because in-house legal lawyers in India do not have the same status.

ACC urges the Government of India to Adopt Amendments to the Advocates Act that establish a Legal Practitioner role.

ACC supports the contemplated revised definition of “legal practitioner” to encompass lawyers employed by organizations. In-house lawyers should be permitted to maintain their “Advocates” status and for experience certifications to include in-house legal practice. ACC produces a wealth of educational materials for all facets of the in-house position and would welcome an opportunity to work with the government, Bar Council of India, and other associations and bars to provide education and programming to lawyers in India.

Thank you for the opportunity to express our views on this very important topic. Please contact Amy Chai, a.chai@acc.com, for more information or to discuss this letter further.

Sincerely,

/s/ Susanna McDonald

Susanna McDonald
VP and Chief Legal Officer