

LAW (LEGISLATIVE DRAFTING) DEPARTMENT

(Group-II)

NOTIFICATION

Jaipur, May 24, 1995.

No. F. 2 (21) Vidhi/2/95.—In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Adhiwakta Kalyan Nidhi (Sanshodhan) Adhiniyam, 1995 (1995 Ka Adhiniyam Sankhya 20):—

**THE RAJASTHAN ADVOCATES WELFARE FUND
(AMENDMENT) ACT, 1995**

(Act No. 20 of 1995)

[Received the assent of the Governor on the 23rd day of May, 1995]

An

Act

to amend the Rajasthan Advocates Welfare Fund Act, 1987.

Be it enacted by the Rajasthan State Legislature in the Forty-sixth Year of the Republic of India, as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Rajasthan Advocates Welfare Fund (Amendment) Act, 1995.

(2) It shall come into force at once.

2. **Amendment of section 2, Rajasthan Act No. 15 of 1987.**— In section 2 of the Rajasthan Advocates Welfare Fund Act, 1987 (Rajasthan Act No. 15 of 1987), hereinafter referred to as the principal Act, after clause (a), the following clause shall be inserted, namely:—

"(aa) "Bar Association" means an association of lawyers registered and recognized by the Bar Council;".

3. Amendment of section 3, Rajasthan Act No. 15 of 1987.—In section 3 of the principal Act;—

(a) in clause (j) of sub-section (2), for the words "by way of application fees and" the word "towards" shall be substituted;

(b) after sub-section (2) as so amended, the following sub-sections shall be added, namely:—

"(3) The State Government shall constitute a fund to be called Advocates Welfare Ex-gratia Grants Fund.

(4) There shall be credited to the Advocates Welfare Ex-gratia Grants Fund, all sums collected under section 16 towards the admission fees and the interest thereon."

4. Amendment of section 9, Rajasthan Act No. 15 of 1987.— In section 9 of the principal Act, after existing sub-section (2), the following sub-sections shall be added, namely:—

"(3) The Trustee Committee shall also administer the Advocates Welfare Ex-gratia Grants Fund.

(4) In the administration of Ex-gratia Grants Fund, the Trustee Committee shall subject to the provisions of this Act and the rules made thereunder, act in accordance with the provisions of sub-section (2) and the provisions of sub-section (2) shall *mutatis mutandis* stand amended accordingly."

5. Amendment of section 14, Rajasthan Act No. 15 of 1987.— In section 14 of the principal Act, after existing sub-section (4), the following sub-section shall be added, namely:—

"(5) The Bar Council may derecognize a Bar Association for neglect of its duties under this Act :
Provided that no order under sub-section (5) shall be passed without affording an opportunity of being heard to the concerned Bar Association."

6. Amendment of section 16, Rajasthan Act No. 15 of 1987.— In section 16 of the principal Act,—

(a) sub-section (3) shall be substituted by the following, namely:—

"(3) Every applicant shall pay an admission fee of Rs. 400/- in lump-sum alongwith application for membership which shall be credited to the account of Trustee Committee." ;

(b) sub-section (5) shall be substituted by the following, namely :—

"(5) Every member shall pay an annual subscription to the Fund on or before 30th day of June, every year at the following rates, namely:—

(i) Where the standing of the Advocate at the Bar is less than five years - Rs. 200/-

(ii) Where the standing of the Advocate at the Bar becomes five years or is less than ten years - Rs. 500/-

(iii) Where the standing of the Advocate at the Bar is ten years or more - Rs. 750/-:

Provided that a member of the Fund may deposit in lump-sum a sum of Rs. 6,000/- and in that event he shall not be required to pay annual subscription. "; and

(c) in sub-section (7), for the words "interest thereon at the rate of twelve percent per annum", the words "rupees fifty" shall be substituted.

7. Amendment of section 17, Rajasthan Act No. 15 of 1987.— In section 17 of the principal Act,—

(a) the first proviso to sub-section (1) shall be substituted by the following, namely :—

" Provided that a member shall be entitled to claim an amount of Rs. 500/- for a fraction, if any, remaining after dividing the number of years of practice by four as per explanation (i).";

(b) the second proviso to sub-section (1) shall be deleted; and

(c) sub-section (3) shall be substituted by the following, namely :—

"(3) The amount payable as per sub-section (1) can be claimed after completion of fifteen years practice as an advocate or on attaining fifty years of age, whichever is earlier, but the member will have to seek retirement as an advocate and shall not be entitled to be enrolled as an advocate and to become member of the fund:

Provided that a member suffering from permanent disablement shall be allowed to retire even before completing fifteen years of his practice as an advocate. "

8. Amendment of section 18, Rajasthan Act No. 15 of 1987.— In section 18 of the principal Act,—

(a) sub-section (1) shall be substituted by the following, namely :-

"(1) Notwithstanding anything to the contrary contained in this Act if any advocate after his admission to the Fund joins any employment and thereafter obtains retirement after serving there for a period of not less than twenty years, he shall not be entitled to any amount more than what would be admissible to him for such number of years of standing as he had remained member to the Fund before joining the employment. "; and

(b) in sub-section (2) -

(i) the expression "and shall also not be liable to affix any stamp as required by sub-section (1) of section 20 subject to his making a declaration

to the Bar Council in the prescribed manner" shall be deleted; and

- (ii) between the words "enrolled" and "as an advocate", the words "or resumes" shall be inserted.

9. Amendment of section 19, Rajasthan Act No. 15 of 1987.— In section 19 of the principal Act,—

- (a) for the words "Bar Council" occurring in the heading and sub-section (1), (3), (4), (5) and (6), the words "Trustee Committee/Bar Council" shall be substituted; and
- (b) after existing sub-section (6) as so amended the following sub-section (7) shall be added, namely:-

"(7) The Stamp Vendor may also purchase stamps directly from the Bar Council/Trustee Committee on payment of the face value of the stamps less commission of 5% on such face value."

10. Amendment of section 20, Rajasthan Act No. 15 of 1987.— In sub-section (1) of section 20 of the principal Act,-

- (a) for the expression "Every member of the Fund", the words "Every advocate" shall be substituted;
- (b) the word "one" occurring after the words "shall affix" and before the words "Welfare Fund" shall be deleted; and
- (c) the words "stamps of rupees four" shall be substituted for the word "stamp".

11. Amendment of section 25, Rajasthan Act No. 15 of 1987.— In section 25 of the principal Act, -

- (a) in clause (a) of sub-section (1), the expression "atleast for one month or" shall be deleted;
- (b) the punctuation mark " ." occurring at the end of clause (b) of sub-section (1) shall be substituted by

the punctuation mark “;” and after existing clause (b) of sub-section (1), the following clause (c) shall be inserted, namely :-

“(c) if a member to the Fund dies at any time leaving behind dependents under hard circumstances.”; and

(c) existing sub-section (2) shall be substituted by the following, namely :—

“(2) The grant so allowed shall not exceed a sum of Rs. 10,000/- in cases falling in clause (a), Rs. 20,000/- in cases falling under clause (b) and Rs. 50,000/- in cases falling under clause (c) :

Provided that where the claim is made under clause (a) or (b) it shall not be more than once in a period of five years:

Provided further that the amount payable under this section shall not be charged to the Fund but shall be charged to the Advocates Welfare Ex-Gratia Grants Fund;

Provided also that if the amount payable under clause (c) of sub-section (1) exceeds the amount payable under section 17 then the excess amount shall be chargeable to the Advocates Welfare Ex-Gratia Grants Fund.”-

12. Amendment of Schedule, Rajasthan Act No. 15 of 1987.—The existing Schedule appended to the principal Act, shall be substituted by the following, namely :—

“SCHEDULE
(See section 17)

5	years membership	:	Rs.	15,000/-
6	years membership	:	Rs.	17,000/-
7	years membership	:	Rs.	19,000/-
8	years membership	:	Rs.	21,000/-
9	years membership	:	Rs.	23,000/-
10	years membership	:	Rs.	26,000/-

11	years membership	:	Rs.	29,000/-
12	years membership	:	Rs.	32,000/-
13	years membership	:	Rs.	35,000/-
14	years membership	:	Rs.	38,000/-
15	years membership	:	Rs.	41,000/-
16	years membership	:	Rs.	45,000/-
17	years membership	:	Rs.	50,000/-
18	years membership	:	Rs.	55,000/-
19	years membership	:	Rs.	60,000/-
20	years membership	:	Rs.	65,000/-
21	years membership	:	Rs.	72,000/-
22	years membership	:	Rs.	79,000/-
23	years membership	:	Rs.	86,000/-
24	years membership	:	Rs.	93,000/-
25	years membership	:	Rs.	1,00,000/-
26	years membership	:	Rs.	1,15,000/-
27	years membership	:	Rs.	1,30,000/-
28	years membership	:	Rs.	1,45,000/-
29	years membership	:	Rs.	1,60,000/-
30	years membership	:	Rs.	1,75,000/-
31	years membership	:	Rs.	1,95,000/-
32	years membership	:	Rs.	2,15,000/-
33	years membership	:	Rs.	2,35,000/-
34	years membership	:	Rs.	2,55,000/-
35	years membership	:	Rs.	2,75,000/-
36	years membership	:	Rs.	3,05,000/-
37	years membership	:	Rs.	3,35,000/-
38	years membership	:	Rs.	3,65,000/-
39	years membership	:	Rs.	3,95,000/-
40	years membership	:	Rs.	4,25,000/-

Provided that the amount claimed within a period of five years from the date of commencement of the Rajasthan Advocates Welfare Fund (Amendment) Act, 1995 (Rajasthan Act No. 20 of 1995) shall be payable in five equal annual instalments except in case of death where the amount shall be payable in lump sum."

जे. पी. बंसल,

Secretary to the Government.

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