

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(GROUP-II)**

NOTIFICATION

Jaipur, April 5, 2003

No. F. 2 (10) Vidhi-2/2003.—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 Adhivakta Kalyan Nidhi (Sanshodhan) Adhiniyam, 2003 (Adhiniyam Sankhyank 9 of 2003)

(Authorised English Translation)

**THE RAJASTHAN ADVOCATES WELFARE FUND
(AMENDMENT) ACT, 2003**

(Act No. 9 of 2003)

[Received the assent of the Governor on the 5th day of April, 2003]

An

Act

further to amend the Rajasthan Advocates Welfare Fund Act, 1987.

Be it enacted by the Rajasthan State Legislature in the Fifty-fourth 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, 2003.

(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 (Act No. 15 of 1987), hereinafter referred to as the principal Act,—

(i) in clause (l), word “and” appearing at the end of the clause shall be deleted;

(ii) in clause (m), for the punctuation mark “.” the following shall be substituted, namely:—

“but does not include a memorandum of appearance authorising an advocate to

appear on behalf of another advocate for the purpose of seeking adjournment only; and"; and

- (iii) after clause (m) so amended, the following new clause shall be added, namely:—

“(n) “year” means a period of twelve months commencing from 1st day of July and ending on the 30th day of June next.”

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

- (i) in clause (j) of sub-section (2), after the word “towards” and before the words “annual subscription”, the expression “admission fees,” shall be inserted; and
- (ii) the existing sub-sections (3) and (4) shall be deleted.

4. Amendment of section 9, Rajasthan Act No. 15 of 1987.—The existing sub-sections (3) and (4) of section 9 of the principal Act shall be deleted.

5. Amendment of section 10, Rajasthan Act No. 15 of 1987.—In sub-section (2) of section 10 of the principal Act, after the words “Scheduled Bank” and before the words “or invest the same”, the words “or post office” shall be inserted.

6. Amendment of section 11, Rajasthan Act No. 15 of 1987.—After the existing sub-section (5) of section 11 of the principal Act, following new sub-section shall be added, namely:—

“(6) A copy of annual audit report and the audited accounts shall be sent every year to all the Bar Associations recognised and registered under the provisions of this Act.”.

7. Amendment of section 14, Rajasthan Act No. 15 of 1987.— In section 14 of the principal Act, after the existing sub-section (1), the following provisos shall be added, namely:—

“Provided that it shall be necessary for every Bar Association seeking recognition and registration with Bar Council to be registered under the Rajasthan Socie-

ties Registration Act, 1958 (Act No. 28 of 1958):

Provided further that existing Bar Associations recognised and registered by the Bar Council shall, if not already registered, get themselves registered under the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958) within six months from the date of commencement of the Rajasthan Advocates Welfare Fund (Amendment) Act, 2003 (Act No. 9 of 2003) failing which the Bar Council may take action under sub-section (5) against such Association:

Provided also that the Bar Council may, for good and sufficient reasons, extend the said period of six months for a further period not exceeding one year."

8. Amendment of section 15, Rajasthan Act No. 15 of 1987.— In sub-section (2) of section 15 of the principal Act,—

- (i) in clause (b), after the word "re-admission" and before the words "within thirty days", the words "and the change in the address of the member" shall be inserted;
- (ii) in clause (c), after the words "suspension of practice" and before the words "of any of its", the words "or death" shall be inserted and after the words "suspension of practice" and before the punctuation mark";", the expression "or death" shall be inserted; and
- (iii) after clause (c) so amended and before the existing clause (d), the following new clause shall be inserted, nemely:—

"(cc) undertaking of any other business, profession or vocation by any of its members as soon as it comes to the knowledge of the Bar Association;"

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

- (i) after existing sub-section (1), the following pro-

viso shall be added, namely:—

“Provided that such Advocate has not attained the age of 45 years on the date of submission of application seeking admission to the Fund.”;

- (ii) in sub-section (5), after the words “shall pay” and before the words “an annual subscription”, words “in advance” shall be inserted;
- (iii) in proviso to sub-section (5), for the figures “6000”, figures “10000” shall be substituted and for the punctuation mark “.” punctuation mark “:” shall be substituted;
- (iv) after existing proviso to sub-section (5), the following new proviso shall be added, namely:—
“Provided further that the prospective member shall pay the full subscription of the current year alongwith the admission fee to the Fund.”;
- (v) in sub-section (6), for the words “served upon him”, occurring after the words “one month being” and before the words “by the Trustee Committee”, the words “issued to him under postal certificate” shall be substituted;
- (vi) for existing sub-section (7), the following shall be substituted, namely:—

“(7) A person removed from the membership of the Fund under sub-section (6) shall be re-admitted by the Trustee Committee to the Fund on payment of the arrears of subscription due against him alongwith interest thereon at the rate of 1.50 rupees per hundred per month from the date the subscription became due and 100/- rupees as re-admission fees within one year from the date of removal:

Provided that where a member does not move

application for re-admission within stipulated period the amount deposited by way of subscription shall be refunded to him if he has not been granted any ex-gratia under section 25 or he is not entitled for any benefit under section 17.”;

- (vii) after existing sub-section (11), the following sub-sections shall be added, namely:—

“(12) A member who ceases to practice in Rajasthan shall automatically cease to be a member of the Fund and such member shall be entitled to receive the amount of subscription deposited by him, if has not been granted any ex-gratia under section 25 or, as the case may be, the benefits under section 17 upto the date of such cessation.

(13) A member of the Fund, who is punished for professional misconduct under the Advocates Act and is suspended from practice, shall not be entitled to benefits of the Fund for the period of such suspension nor shall be required to pay yearly subscription for such period.”

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

- (i) the punctuation mark “.” occurring at the end of proviso to sub-section (1) shall be substituted by the punctuation mark “:” and after existing proviso to sub-section (1), the following shall be added, namely:—

“Provided further that in the event of death of a member the sum payable under this sub-section shall be the amount as specified in the Schedule or rupees one lac whichever is higher:

Provided also that the member admitted to the Fund after the commencement of the Rajasthan Advocates Welfare (Amendment) Act, 2003 (Act

No. 9 of 2003) shall not be entitled to the benefit of Explanation (i).”;

- (ii) in sub-section (3), for the word “earlier” occurring after the words “whichever is” and before the words “but the member”, the word “later” shall be substituted; and
- (iii) proviso to sub-section (3) shall be substituted by the following, namely:—

“Provided that a member suffering from permanent disablement shall be allowed to draw the amount before completing fifteen years of membership or fifty years of age or, as the case may be, both.”.

11. Amendment of section 18, Rajasthan Act No. 15 of 1987.—For the existing section 18 of the principal Act, following shall be substituted, namely:—

“18 Restriction on benefit from the Fund.—(1) Notwithstanding anything to the contrary contained in this Act, if any Advocate after his admission to the Fund joins an employment he shall cease to be a member of the Fund and if he thereafter, gets re-admission to the Fund within a period of fifteen years, he shall be entitled to the benefit as per the schedule appended to section 17 for such number of years of standing as he remains member of the Fund before joining such employment and after such re-admission.

- (2) Notwithstanding anything contained in this Act, a person who gets himself enrolled or resumes as an Advocate after serving under any employer for a period of not less than fifteen years, shall not be entitled to become a member of the Fund nor to receive any benefit of the Fund.
- (3) A person who is in full time service gets himself enrolled by virtue of the provisions of the Advo-

cates Act, 1961 (Central Act No. 25 of 1961) and rules framed thereunder by the Bar Council of India and State Bar Council shall not be entitled to become a member of the Fund.”.

12. Amendment of section 19, Rajasthan Act No. 15 of 1987.— In sub-section (1) of section 19 of the principal Act, for the words “two rupees”, occurring after the words “value of” and before the words “with the Trustee Committee”, the words “ten rupees” shall be substituted and after the words “and its value” and before the words “inscribed thereon”, the words “alongwith serial number” shall be inserted.

13. Amendment of section 20, Rajasthan Act No. 15 of 1987.—In sub-section (1) of section 20 of the principal Act, for the word “four” occurring after the words “stamps of rupees” and before the words “referred to in”, the word “ten” shall be substituted.

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

- (i) clause (c) of sub-section (1) shall be deleted; and
- (ii) for the existing sub-section (2), the following shall be substituted, namely:—

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

Provided that the claim shall not be more than once in a period of five years.”.

15. Amendment of schedule, Rajasthan Act No. 15 of 1987.— Existing proviso to the schedule shall be deleted.

जी. एस. होरा,

Secretary to the Government