



**The Uttar Pradesh Advocates Welfare Fund Act, 1974**  
**Act 6 of 1974**

**Keyword(s):**

**Advocate Bar Council, Fund, Trustees Committee, Advocate, Bar Association, Vakalatnama**

**Amendments appended: 21 of 1988, 3 of 1999, 9 of 2003, 34 of 2021**

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विधान पुस्तकालय

(राजकीय प्रकाशन)

उत्तर प्रदेश, लखनऊ

THE UTTAR PRADESH ADVOCATES WELFARE FUND  
ACT, 1974

[U. P. ACT NO. 6 OF 1974]

★ (Authoritative English Text of the Uttar Pradesh Adhiwakta Kalyan Nidhi  
Adhiniyam, 1974)

AN  
ACT

*to provide for the establishment and operation of a fund for the promotion of  
welfare of Advocates in Uttar Pradesh.*

IT IS HEREBY enacted in the Twenty-fifth year of Republic of India  
as follows :—

1. (1) This Act may be called the Uttar Pradesh Advocates Welfare Fund Act, 1974. Short title and  
extent.

(2) It extends to the whole of Uttar Pradesh.

2. In this Act, unless the context otherwise requires—

Definitions

(a) "Advocate" means an Advocate enrolled on the roll of the State Bar Council;

(b) "State Bar Council" means the State Bar Council of Uttar Pradesh constituted under section 3 of the Advocates Act, 1961;

(c) "Fund" means the Fund referred to in section 3;

(d) "Trustees Committee" means the Committee constituted under section 3.

\*(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary, dated March 23, 1974.)

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 28, 1974 and by the Uttar Pradesh Legislative Council on March 29, 1974.)

(Received the assent of the Governor on April 6, 1974 under Article 200 of the Constitution)

PRICE 15 PAISE

Objects of the fund.

3. (1) For the following objects of general public utility, a charitable trust shall be created in respect of a Fund, to be constituted as hereinafter provided and to be called the Uttar Pradesh Advocates Welfare Fund, namely :—

(a) obtaining from the Life Insurance Corporation of India a policy of group life insurance of Advocates up to the age of 60 years ;

(b) the provision of buildings for halls and libraries, canteens and other facilities for District Bar Associations, or the making of contributions to District Bar Associations for the purposes of making such provision ;

(c) the organization of other schemes for the welfare of needy Advocates ; and

(d) such other objects as would, in the opinion of the Trustees Committee, improve the working conditions and facilities of Advocates.

(2) The Fund shall consist of—

(a) all monies transferred to it under section 4 ;

(b) all contributions made to it by the State Bar Council ;

(c) any voluntary donation or contribution made to the Fund by any Advocate, including any sum received from the Life Insurance Corporation of India on the death of an Advocate insured under the group life insurance policy where such Advocate had nominated the Trustees Committee as the person to whom the money secured by the policy shall be paid in the event of his death ;

(d) any grants made to the Fund by the State Government ;

(e) any sum borrowed under section 5 ;

(f) any profits or dividends received from the Life Insurance Corporation of India in respect of the policy of group life insurance of Advocates ;

(g) any interest or dividend or other return or any investment made in respect of any part of the Fund.

(3) The Fund shall vest in and be held and administered by a Trustees Committee to be named the Uttar Pradesh Advocates Welfare Fund Trustees Committee, of which the following shall be members, namely—

(a) The Advocate General of Uttar Pradesh *ex-officio*, who shall be Chairman ;

(b) the Chairman, State Bar Council, *ex-officio*, or where that office is for the time being held by the Advocate General, an Advocate nominated by the State Bar Council ;

(c) the Secretary to the State Government in the Judicial Department, *ex-officio*, who shall be Member-Secretary.

(4) A member nominated under clause (b) of sub-section (3) shall hold office for a term of three years, but he may at any time by writing under his hand addressed to the Chairman, resign his membership.

(5) The Trustees Committee shall be a body corporate with the name aforesaid, having perpetual succession and a common seal, with power to acquire and hold property, and may sue and be sued by that name.

(6) No act or proceeding of the Trustees Committee shall be questioned or deemed to be invalid by reason merely of any vacancy in or any defect in the constitution thereof.

Transfer of certain monies to the Fund.

4. As soon as may be after the commencement of this Act, an amount equivalent to the sums received by the State Bar Council on account of the deposits of stamp duty on certificates of enrolment paid by Advocates, together with interest actually earned thereon, shall be paid by it to the credit of the Fund, and such credit to the Fund shall discharge the State Bar Council of the liability in respect thereof to the State Government.

Financial provisions

5. (1) The Trustees Committee may, from time to time, borrow any sum required for the purposes of this Act.

(2) The monies in the Fund may be deposited in any scheduled bank or invested by the Trustees Committee in loans and advances to any Corporation owned or controlled by the State Government, or in such other manner as the State Government may from time to time direct.

(3) The Fund shall be deemed to be a local fund and be audited by the Examiner, Local Fund Accounts, Uttar Pradesh.

6. All decisions and other instruments made and executed by the Trustees Committee may be authenticated by the signature of the Member-Secretary, who shall also have the power to operate any bank account on behalf of the said Committee. Execution and authentication of instruments etc.

7. The State Government may from time to time issue to the Trustees Committee such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of the Trustees Committee to comply with such directions. Power of the State Government to issue directions.

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74. 8. (1) The Uttar Pradesh Advocates Welfare Fund Ordinance, 1974, is hereby repealed. Repeal and Saving.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on January 20, 1974.

विधान प्रकाशन  
(राजकीय प्रकाशन)  
उत्तर प्रदेश, लखनऊ

No. 1973 (2)/XVII-V-1—1(KA) 17-1988

Dated Lucknow, October 15, 1988

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhivakta Kalyan Nidhi (Sanshodhan) Adhiniyam, 1988 (Uttar Pradesh Adhiniyam Sankhya 21 of 1988) as passed by the Uttar Pradesh legislature and assented to by the Governor on October 15, 1988.

**THE UTTAR PRADESH ADVOCATES WELFARE FUND (AMENDMENT) ACT, 1988**

(U. P. Act No. 21 of 1988)

[As passed by the U. P. Legislature]

**AN  
ACT**

*to amend the Uttar Pradesh Advocates Welfare Fund Act, 1974*

IT IS HEREBY enacted in the Thirty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 1988.

Short title and commencement

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. In section 2 of the Uttar Pradesh Advocates Welfare Fund Act, 1974, hereinafter referred to as the principal Act, after clause (d), the following clauses shall be inserted, namely :—

Amendment of section 2 of U. P. Act no. 6 of 1974

“(e) ‘Welfare Stamp’ means the stamp referred to in section 9 ;

(f) ‘Vakalatnama’ includes a memorandum of appearance or any other document by which an advocate is empowered to appear, act or plead before any court, tribunal, authority or person but does not include any Vakalatnama or memorandum of appearance filed on behalf of the State Government or an officer representing the State Government.”

3. In section 3 of the principal Act—

Amendment of section 3

(a) in sub-section (1), after clause (b), the following clause shall be inserted, namely—

“(bb) the organisation of Advocate Social Security Fund Scheme hereinafter referred to as the Scheme, for such advocates as become members of the Scheme;”

(b) in sub-section (2), after clause (g), the following clauses shall be inserted namely :—

“(h) the sale proceeds of stamps transferred by the State Government in accordance with section 10;

(i) all admission fees and annual subscriptions, for membership of the Scheme received in accordance with section 11 and interest, if any, thereon.”

4. For section 8 of the principal Act, the following sections shall be substituted; namely :—

Substitution of section 8

“8. The State Bar Council shall contribute to the Fund rupees one lakh on the date of commencement of the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 1988 and thereafter annually, an amount equal to twenty five per centum of the fees realised by it on account of enrolment of Advocates during the year.

Contribution by State Bar Council

9. (1) Every member of the Scheme shall affix on the Vakalatnama accepted by him a Welfare Stamp of the value of five rupees in the case of Vakalatnama filed in the High Court or a Tribunal or any other authority or person and two rupees in any other case and no court, tribunal, authority or person shall receive any Vakalatnama in favour of such member unless it is so stamped in addition to any stamp required under any other law for the time being in force.

Welfare stamp on Vakalatnama

(2) The value of the Welfare Stamp shall neither be taxable cost in the suit or proceeding nor be collected in any event from a party to such suit or proceeding.

(3) Any contravention of the provisions of sub-section (2) by any member shall disentitle him to the benefits of the Scheme and shall be deemed to be a misconduct and the Trustees Committee shall report the matter to the State Bar Council for appropriate action.

(4) Every Welfare Stamp affixed on a Vakalatnama under sub-section (1) shall be cancelled in the manner provided in section 30 of the Court Fees Act, 1870.

Printing and sale  
of welfare stamps

10. (1) The State Government shall cause to be printed Welfare Stamps for the purposes of this Act, in such design and such denomination as it thinks fit with the words "Welfare Stamp" printed thereon.

(2) The State Government shall control the distribution and sale of Welfare Stamps through stamp vendors appointed by it for the sale of court fee stamps or through such other agency as it may deem fit.

(3) The State Government shall, at the close of every financial year transfer the sale proceeds of the Welfare Stamps after deducting the costs incurred in printing, sale and distribution of the stamps to the account of the Fund.

(4) The State Government shall furnish to the Trustees Committee a Statement containing the number of welfare stamps printed and sold, the details of costs deducted and the amount transferred under this section to the account of the Fund, within three months of such transfer.

Membership of  
the scheme

11. (1) Any advocate may apply to the Secretary, Trustees Committee in such form as may be prescribed, for admission as a member of the Scheme.

(2) Every applicant shall pay in the prescribed manner an admission fee of one hundred rupees in lump sum with the application.

(3) The Trustees Committee may, on receipt of the application and the admission fee, make such inquiry as it deems fit and shall either admit the applicant to the membership of the Scheme, or for reasons to be recorded in writing, reject the application and refund the amount paid towards admission fee :

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

(4) The membership of an applicant so admitted shall be deemed to have commenced on the first day of January of the year in which the application was made or the date of enrolment of the applicant as an Advocate, whichever is later.

(5) Every member of the Scheme shall pay in the prescribed manner an annual subscription for every calendar year on or before the thirty-first day of December of that year at the rate of—

(a) fifty rupees, where he has practised as an advocate for not more than 5 years ;

(b) one hundred rupees, where he has practised as an advocate for more than 5 years but not more than 10 years;

(c) two hundred and fifty rupees, where he has practised as an advocate for more than 10 years.

*Explanation*—For the purposes of this sub-section,—

(i) practice as an advocate includes practice as a pleader or other legal practitioner enrolled under the Legal Practitioners Act, 1879 or as an Advocate on the roll of any Bar Council constituted under the Advocates Act, 1961 ;

(ii) the period of practice shall be reckoned as on the first day of the calendar year for which the subscription is payable or the date of enrolment as a legal practitioner or an Advocate, whichever is later.

12. (1) A member of the Scheme shall cease to be such member, if—  
 (a) he dies,  
 (b) his name is removed from the State Roll maintained by the State Bar Council ;  
 (c) he resigns the membership ;  
 (d) he is in arrears of annual subscription for a period of two years or more and the Trustees Committee after giving him an opportunity to show cause, terminates his membership.

Cessation of membership and re-admission

(2) An advocate who has ceased to be a member of the Scheme, may, on his written application and on payment of the arrears of annual subscription which he would have paid, if his membership had continued, together with interest thereon at the rate of eighteen per centum per annum, be readmitted to the membership of the Scheme provided his name is restored or, as the case may be, continues on the State Roll maintained by the State Bar Council.

13. (1) A member of the Scheme shall on ceasing to be such member, be entitled to receive from the Fund :—

Payment from the Fund on cessation of membership

(a) an amount equal to the aggregate of annual subscriptions paid by him, if he has been a member for a period of less than 5 years,

(b) an amount calculated at the rate of Rs. 1000 for every completed year of his membership, if he has been a member for a period of five years or more subject to a maximum of Rs. 50,000.

(2) In the event of death of a member the amount payable under subsection (1) shall be paid to his nominee, or where there is no nominee, to his legal heirs.

*Explanation*—For the purposes of this sub-section, the term member includes a person who dies after ceasing to be a member before receiving payment under sub-section (1).

14. Notwithstanding any thing contained in any other law for the time being in force, the right or interest of any member of the Scheme or his nominee or legal heirs to receive any amount from the Fund under section 13 shall not be alienated or charged and shall not be liable to attachment under any decree or order of any court.

Restriction on alienation attachment etc. of interest of members

15. No suit, prosecution or other legal proceeding shall lie against the Trustees Committee, or any member or officer thereof in respect of any thing which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Protection of action taken in good faith

16. (1) The State Government may, by notification; make rules for carrying out the purposes of this Act.

Power to make rules

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

“(a) the form and the manner in which application for membership of the Scheme may be made ;

(b) the manner of payment of admission fee and annual subscription for the membership of the Scheme;

(c) the form and the manner in which the list of members of the Scheme shall be maintained and its copies or extracts shall be communicated to courts to enable them to ensure compliance of the provision of section 9;

(d) the form and the manner in which application for payment under section 13 shall be made and the procedure of inquiry, if any, to be made by the Trustees Committee for such payment ;

(e) the form and the manner in which nomination to receive payment under section 13 may be made ;

(f) any other matter which has to be or may be prescribed.”

17. The Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 1988, is hereby repealed.

Repeal

By order,  
 S. N. SAHAY,  
 Sachiv.

No. 461 (2)/XVII-V-1—1 (KA)-26-1998

*Dated Lucknow, February 25, 1999*

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhivakta Kalyan Nidhi (Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 3 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 24, 1999.

**THE UTTAR PRADESH ADVOCATES WELFARE FUND  
(AMENDMENT) ACT, 1999  
(U. P. ACT NO. 3 OF 1999)**

*[As passed by the Uttar Pradesh Legislature]*

**AN  
ACT**

*further to amend the Uttar Pradesh Advocates Welfare Fund Act, 1974.*

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows :

1. (1) This Act may be called the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 1999.

Short title and  
commencement;

(2) It shall be deemed to have come into force on December 3, 1998.

2. In section 2 of the Uttar Pradesh Advocates Welfare Fund Act, 1974, hereinafter referred to as the principal Act, —

Amendment of  
section 2 of  
U. P. Act no. 6  
of 1974

(i) for clause (a), the following clauses shall be substituted, namely :—

“(a) “Advocate” means an Advocate enrolled on the roll of the State Bar Council and shall include the pleaders and other legal practitioners enrolled as such under the provisions of the Legal Practitioners Act, 1879 ;

(aa) “Bar Association” means a Bar Association affiliated to the State Bar Council” ;



(ii) after clause (c) the following clause shall be *inserted*, namely:—

“(cc) “member” means a member of the Scheme”;

(iii) for clause (f) the following clause shall be *substituted*, namely:—

“(f) “Vakalatnama” includes a memorandum of appearance or any other document by which an Advocate is empowered to appear, act or plead before any court, tribunal, authority or person but does not include any Vakalatnama or memorandum of appearance filled on behalf of the Government or an officer representing the Government.”

Amendment of  
section 3

3. In section 3 of the principal Act,—

(a) in sub-section (1), in clause (b),—

(i) for the words “canteens and other facilities” the words “canteens, sheds and other facilities” shall be *substituted*; and

(ii) for the words “District Bar Associations” wherever occurring, the words “Bar Associations” shall be *substituted*;

(b) in sub-section (3),—

(i) in clause (b) for the words “by the State Bar Council”, the words “by him” shall be *substituted*;

(ii) after clause (b) the following clause shall be *inserted*, namely:—

“(bb) two members of the State Bar Council, elected by it,”

(c) for sub-section (4), the following sub-section shall be *substituted*, namely:—

“(4) A member nominated under clause (b) of sub-section (3) shall hold office till the office of the Chairman State Bar Council is held by the Advocate General, but he may at any time by writing under his hand addressed to the Chairman, resign his membership.”

Amendment of  
section 4

4. Section 4 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be *inserted*, namely:—

“(2) An amount equivalent to the stamp duty deposited by Advocates for certificates of enrolment with the State Bar Council in a financial year shall be transferred by the State Government to the Fund as soon as may be after the end of that financial year and such transfer shall discharge the State Government of its liability in respect thereof, for that financial year.”

Amendment of  
section 8

5. In section 8 of the principal Act,—

(a) the words “and thereafter annually an amount equal to twenty-five per centum, of the fees realised by it on account of enrolment of Advocates during the year” shall be *omitted* and be deemed always to have been *omitted*;

(b) the following proviso shall be *inserted* at the end, namely:—

“Provided that any amount contributed by the State Bar Council under this section as it stood prior to the commencement of the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 1998, shall not be refundable.”

Amendment of  
section 9

6. In section 9 of the principal Act, for sub-section (1), the following sub-section shall be *substituted*, namely:—

“(1) Every advocate shall affix on the Vakalatnama accepted by him a Welfare Stamp of the value of five rupees and no court, tribunal, authority or person shall receive any Vakalatnama in favour of such advocate unless it is so stamped in addition to any stamp required under any other law for the time being in force.”

Amendment of  
section 10

7. In section 10 of the principal Act,—

(a) in sub-section (1) for the words “State Government” the words “Bar Council” shall be *substituted*;

(b) in sub-section (3) for the word "Printing" the words and brackets "printing (which shall be paid to the Bar Council)" shall be substituted;

(c) in sub-section (4) for the words "printed and sold, the details of costs deducted" the words "received from the Bar Council and sold, the details of costs deducted, the cost of printing paid to the Bar Council" shall be substituted;

(d) after sub-section (4) the following sub-section shall be inserted, namely :—

"(5) The State Government may provide the services of Government Press for printing of welfare stamps on realizing the printing charges."

8. After section 10 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 10-A

"10—A. (1) Notwithstanding any thing contained in section 10, in case of temporary shortage of Welfare Stamps, the value of Welfare Stamps may be paid in cash to such subordinate officer or clerk of the court, tribunal, authority or person as may be specified by such court, tribunal authority or person and such subordinate officer or clerk shall give a receipt for the same which shall be affixed on the Vakalatnama, and such affixation shall have the same effect as if the Welfare Stamp of that amount has been duly affixed in accordance with this Act.

(2) The subordinate officer or the clerk receiving the cash under sub-section (1) shall deposit it in the Treasury under such Head as the State Government may by notified order specify in this behalf."

9. In section 11 of the principal Act,—

Amendment of section 11

"(a) in sub-section (5), after clause (c) the following provisos shall be inserted before the explanation, namely :—

"Provided that the Government Advocates shall pay an additional amount of rupees fifty per annum with their annual subscription for every calendar year or part thereof during their tenure a Government Advocate :

Provided further that a member at his option may make one time payment of life subscription of rupees three thousand and in the case of his being Government Advocate rupees three thousand five hundred :

Provided also that the State Government may, after consultation with the Trustees Committee, by a notified order, vary the rates of annual and life subscription."

(b) in the Explanation after clause (ii) the following clause shall be inserted, namely :—

"(iii) "Government Advocate" means an Advocate engaged by the Government or a body, authority or corporation owned or controlled by the Government to represent it before a court, tribunal, authority or a person who received any amount by way of retainerhip or monthly allowance from the Government or such body, authority or corporation, as the case may be."

10. For section 13 of the principal Act, the following section shall be substituted, namely :—

Substitution of section 13

"13 (1) In the event of a death of member, his nominee or where there is no nominee, his legal heirs shall be paid from the Fund an amount calculated at the rate of rupees five thousand per annum for every completed year of his membership which shall not be less than rupees twenty five thousand and more than rupees one lakh fifty thousand

(2) A member shall on ceasing to be a member under clause (b), (c) or (d) of sub-section (1) of section 12, shall be paid from the Fund,—

(i) if he resigns after twelve years and before twenty five completed years of his membership, an amount calculated at the rate of two thousand rupees per annum for every completed year of membership;

(ii) if he resigns after twenty five completed years of his membership, an amount calculated at the rate of five thousand rupees per annum for every completed year of membership subject to a maximum of rupees one lakh fifty thousand;

(iii) if he ceases to be such member due to any other cause not covered by sub-section (1) or sub-section (2), an amount equal to the aggregate of his subscription paid by him and simple interest thereon at such rate as the Trustees Committee may, from time to time, fix.

(3) For a calculating the completed years of membership for the purposes of this section, every five years of practice at bar, if any, before admission of a member to the scheme shall be completed as one year of membership of the Scheme."

Insertion of new  
section 14-A

11. After section 14 of the principal Act, the following section shall be inserted, namely:—

"14-A Where an Advocate who is a member of the Scheme under this Act as it stood immediately before the commencement of the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 1998, within two months of such commencement, opts not to continue as a member of the Scheme he shall be paid an amount to which he is entitled under section 13 as it stood before such commencement and such Advocate shall not be admitted again to the membership of the Scheme. If no such option is given such Advocate shall continue as a member of the Scheme."

Transitory  
provision

12. Where an Advocate has filed a Vakalatnama in a case before the commencement of this Act and continues to appear, Act or plead in that case in pursuance of such Vakalatnama, after such commencement he shall file a Welfare Stamp through an application on or before the first date of hearing of that case after such commencement.

Repeal and  
Savings

13. (1) The Uttar Pradesh Advocates Welfare Fund (Amendment) (Second) Ordinance, 1998 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1), or by the Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 1998 shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By order,  
Y. R. TRIPATHI,  
Pramukh Sachiv.

U  
Ord  
no.  
1  
U.  
Ord  
no.  
199

No. 1839(2)/VII-V-1-1(KA)22-2003

Dated Lucknow, December 17, 2003

IN pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhivakta Kalyan Nidhi (Sanshodhan) Adhiniyam, 2003 (Uttar Pradesh Adhiniyam Sankhya 9 of 2003) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 16, 2003 :-

THE UTTAR PRADESH ADVOCATES WELFARE FUND (AMENDMENT)  
ACT, 2003

(U. P. ACT NO. 9 OF 2003)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

furthor to amend the Uttar Pradesh Advocates Welfare Fund Act, 1974.

IT IS HEREBY enacted in the Fifty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 2003. Short title and commencement
- (2) It shall be deemed to have come into force on July 11, 2003.
2. In section 9 of the Uttar Pradesh Advocates Welfare Fund Act, 1974 hereinafter referred to as the principal Act, - Amendment of section 9 of U.P. Act no. 6 of 1974
  - (a) in sub-section (1) for the words "five rupees" the words "ten rupees" shall be substituted.
  - (b) after sub-section (4) the following sub-section shall be inserted, namely :-
 

"(5) where in any case the Welfare Stamp referred to in sub-section (1) is not affixed on the Vakalatnama or is not filed by any Advocate the Court shall not permit such Advocate for further proceeding in that case."
3. (1) The Uttar Pradesh Advocates Welfare Fund (Amendment) (Second) Ordinance, 2003 is hereby repealed. Repeal and saving
- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) or by the Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 2003 shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

U. P.  
Ordinance no.  
24 of 2003

U. P.  
Ordinance no.  
18 of 2003

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Advocates Welfare Fund Act, 1974 (U. P. Act no. 6 of 1974) has been enacted to provide for the establishment and operation of a fund for the promotion of Welfare of Advocates in Uttar Pradesh. With a view to making the financial position sound of the Advocates Welfare Fund affixing of Welfare Stamp of the value of five rupees on a Vakalatnama was provided in section 9 of the said Act. The income arising from Welfare Stamps was inadequate to meet the expenses on the payment of the Group Insurance Scheme to the dependents of the Advocates, printing of Welfare Stamps and on other payments.

It was, therefore decided on the proposal of Bar Council of Uttar Pradesh to amend the said Act to increase the value of the said Welfare Stamp from five rupees to ten rupees and to provide that where in any case the said Welfare Stamp is not affixed on the Vakalatnama or is not filed by any Advocate the Court shall not permit such Advocate for further proceeding in that case.

The Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 2003 (U.P. Ordinance no. 18 of 2003) was promulgated on July 11, 2003 to implement the aforesaid decision but the provisions of the said Ordinance could not be replaced by an Act of the Legislature. Since the enforcement of the said Ordinance was to expire after October 13, 2003, it was decided to replace the said Ordinance by another Ordinance.

Since the State Legislature was not in session and immediate legislative Action was necessary to implement the aforesaid decision, the Uttar Pradesh Advocates Welfare Fund (Amendment) (Second) Ordinance, 2003 (U. P. Ordinance no.24 of 2003) was promulgated by the Governor on October 13, 2003.

This Bill is introduced to replace the aforesaid Ordinance no: 24 of 2003.

By order,

R. B. RAO,

*Pramukh Sachiv.*



# सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

## असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 24 दिसम्बर, 2021

पौष 3, 1943 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 1089/79-वि-1-21-1-क-33-21

लखनऊ, 24 दिसम्बर, 2021

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन श्री राज्यपाल ने उत्तर प्रदेश अधिवक्ता कल्याण निधि (संशोधन) विधेयक, 2021 जिससे न्याय अनुभाग-7 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 24 दिसम्बर, 2021 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 34 सन् 2021 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश अधिवक्ता कल्याण निधि (संशोधन) अधिनियम, 2021

(उत्तर प्रदेश अधिनियम संख्या 34 सन् 2021)

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

उत्तर प्रदेश अधिवक्ता कल्याण निधि अधिनियम, 1974 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के बहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश उत्तर प्रदेश अधिवक्ता कल्याण निधि (संशोधन) अधिनियम, 2021 कहा जायेगा। संक्षिप्त नाम और प्रारम्भ

(2) यह दिनांक 18 नवम्बर, 2021 से प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश  
अधिनियम संख्या 6  
सन् 1974 की  
धारा 13 का  
संशोधन

2—उत्तर प्रदेश अधिवक्ता कल्याण निधि अधिनियम, 1974 की धारा 13 में उपधारा (1) और (2) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :—

“(1) किसी सदस्य की मृत्यु हो जाने की दशा में उसके नामनिर्देशिनी या जहाँ कोई नामनिर्देशिनी न हो उसके विधिक उत्तराधिकारियों को निधि से उसकी सदस्यता के प्रत्येक सम्पूरित वर्ष के लिए पाँच हजार रुपये की दर से संगणित धनराशि का, जो पच्चीस हजार रुपये से अन्यून और एक लाख पचास हजार रुपये से अनधिक हो, भुगतान किया जायेगा:

परन्तु यह कि तीस वर्ष की सदस्यता पूर्ण होने पर किसी सदस्य की मृत्यु होने की दशा में उनके नामनिर्देशिनी अथवा विधिक उत्तराधिकारियों को राज्य सरकार द्वारा विहित रीति से एक मुश्त पाँच लाख रुपये का भुगतान किया जायेगा।

(2) किसी सदस्य को, धारा 12 की उपधारा (1) के खण्ड (ख), (ग) या (घ) के अधीन सदस्य न रह जाने पर निधि से निम्नलिखित प्रकार से भुगतान किया जायेगा:—

(एक) सदस्यता के प्रत्येक सम्पूरित वर्ष के लिए दो हजार रुपये प्रतिवर्ष की दर से संगणित धनराशि, यदि वह अपनी सदस्यता के सम्पूरित वर्ष के बारह वर्ष के पश्चात् और पच्चीस वर्ष के पूर्व त्याग-पत्र देता है;

(दो) सदस्यता के प्रत्येक सम्पूरित वर्ष के लिए अधिकतम एक लाख पचास हजार रुपये के अध्यक्षीन पाँच हजार रुपये प्रतिवर्ष की दर से संगणित धनराशि, यदि वह अपनी सदस्यता के सम्पूरित पच्चीस वर्ष के पश्चात् त्याग-पत्र देता है:

परन्तु यह कि यदि वह अपनी सदस्यता के तीस वर्ष पूर्ण करने के पश्चात् त्याग-पत्र देता है तो ऐसे सदस्य को राज्य सरकार द्वारा विहित रीति से एक मुश्त पाँच लाख रुपये का भुगतान किया जायेगा।

(तीन) उसके द्वारा संदत्त अभिदान के कुल योग के बराबर धनराशि, और उस पर ऐसी दर से साधारण ब्याज, जैसा कि न्यासी समिति समय-समय पर नियत करे, यदि वह ऐसे किन्हीं अन्य कारणों से, जो उपधारा (1) या उपधारा (2) से आच्छादित न हों, सदस्य न रह जाय।”

निरसन और  
व्यावृत्ति

3—(1) उत्तर प्रदेश अधिवक्ता कल्याण निधि (संशोधन) अध्यादेश, 2021, एतद्वारा निरसित किया जाता है।

उत्तर प्रदेश  
अध्यादेश  
संख्या 10  
सन् 2021

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या की गई कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्थी उपबन्धों के अधीन कृत या की गई समझी जायेगी मानों इस अधिनियम के उपबन्ध सभी सारवान समयों में प्रवृत्त थे।

### उद्देश्य और कारण

उत्तर प्रदेश में अधिवक्ता कल्याण सम्वर्द्धन निधि की स्थापना और संचालन करने का उपबंध करने के लिए उत्तर प्रदेश अधिवक्ता कल्याण निधि अधिनियम, 1974 (उत्तर प्रदेश अधिनियम संख्या 6 सन् 1974) अधिनियमित किया गया है। पूर्वोक्त अधिनियम के अधीन अधिवक्ताओं के कल्याण हेतु उत्तर प्रदेश अधिवक्ता कल्याण निधि गठित की गयी थी, जिसके माध्यम से किसी अधिवक्ता को भुगतान की जाने वाली अधिकतम धनराशि 1.5 लाख रु० नियत की गयी थी। संकल्प पत्र 2017 की उद्घोषणा को दृष्टिगत रखते हुए और अधिवक्ताओं के हित में उक्त धनराशि में वृद्धि करके 5.00 लाख रुपये किये जाने का विनिश्चय किया गया था।

चूँकि राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को क्रियान्वित करने के लिए तुरन्त विधायी कार्यवाही की जानी आवश्यक थी, अतः राज्यपाल द्वारा दिनांक 18 नवम्बर, 2021 को उत्तर प्रदेश अधिवक्ता कल्याण निधि (संशोधन) अध्यादेश, 2021 (उत्तर प्रदेश अध्यादेश संख्या 10 सन् 2021) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,  
अतुल श्रीवास्तव,  
प्रमुख सचिव।

No. 1089(2)/LXXIX-V-1-21-1-ka-33-21

*Dated Lucknow, December 24, 2021*

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adhivakta Kalyan Nidhi (Sanshodhan) Adhiniyam, 2021 (Uttar Pradesh Adhiniyam Sankhya 34 of 2021) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 24, 2021. The Nyay Anubhag-7 is administratively concerned with the said Adhiniyam.

#### THE UTTAR PRADESH ADVOCATES WELFARE FUND (AMENDMENT)

ACT, 2021

(U.P. Act no. 34 of 2021)

*(As passed by the Uttar Pradesh Legislature)*

AN

ACT

*further to amend the Uttar Pradesh Advocates Welfare Fund Act, 1974.*

IT IS HEREBY enacted in the Seventy-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 2021.

Short title and commencement

(2) It shall be deemed to have come into force with effect from the 18<sup>th</sup> day of November, 2021.

2. In the Uttar Pradesh Advocates Welfare Fund Act, 1974, in section 13, for sub-sections (1) and (2), the following sub-sections shall be *substituted*, namely:-

Amendment of section 13 of U.P. Act no. 6 of 1974

"(1) In the event of a death of member, his nominee or where there is no nominee, his legal heirs shall be paid from the Fund an amount calculated at the rate of rupees five thousand per annum for every completed year of his membership which shall not be less than rupees twenty-five thousand and more than rupees one lakh fifty thousand:



Provided that in case of death of a member on completion of thirty years of membership, his nominee or legal heirs shall be paid rupees five lakhs in one *lump sum* in the manner prescribed by the State Government.

(2) A member shall, on ceasing to be a member under clauses (b), (c) or (d) of sub-section (1) of section 12, be paid from the Fund,-

(i) if he resigns after twelve years and before twenty-five completed years of his membership, an amount calculated at the rate of two thousand rupees per annum for every completed year of membership;

(ii) if he resigns after twenty-five completed years of his membership, an amount calculated at the rate of five thousand rupees per annum for every completed year of membership subject to a maximum of rupees one lakh fifty thousand;

Provided that if he resigns after thirty completed years of his membership, such member shall be paid rupees five lakhs in one *lump sum* in the manner prescribed by the State Government.

(iii) if he ceases to be such member due to any other causes not covered by sub-section (1) or sub-section (2), an amount equal to the aggregate of his subscription paid by him and simple interest thereon at such rate as the trustees Committee may, from time to time, fix."

Repeal and  
Saving

3. (1) The Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 2021 is hereby repealed.

U.P.  
Ordinance no.  
10 of 2021

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act as if the provisions of this Act were in force at all material times.

### STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Advocates Welfare Fund Act, 1974 (U.P. Act no. 6 of 1974), has been enacted to provide for the establishment and operation of a fund for the promotion of welfare of Advocates in Uttar Pradesh. Under the aforesaid Act, the Uttar Pradesh Advocates Welfare Fund was constituted for the welfare of the advocates, through which the maximum amount to be paid to an advocate was fixed at Rs. 1.50 lakh. In view of the announcement of Sankalp Patra, 2017 and in the interest of the advocates it was decided to increase the said amount to Rs. 5.00 lakh.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Advocates Welfare Fund (Amendment) Ordinance, 2021 (U.P. Ordinance no. 10 of 2021) was promulgated by the Governor on November 18, 2021.

This Bill is introduced to replace the aforesaid Ordinance.

By order,  
ATUL SRIVASTAVA,  
Pramukh Sachiv.

पी0एस0यू0पी0-ए0पी0 493 राजपत्र-2021-(1111)-599 प्रतियां-(कम्प्यूटर/टी0/ऑफसेट)।

पी0एस0यू0पी0-ए0पी0 142 सा0 विधायी-2021-(1112)-300 प्रतियां-(कम्प्यूटर/टी0/ऑफसेट)।