

THE UTTAR PRADESH ADVOCATES WELFARE FUND ACT, 1974¹

[U. P. Act No. VI of 1974]

Amended by

U. P. Act no. 21 of 1988

U. P. Act no. 03 of 1999

U. P. Act no. 09 of 2003

U. P. Act no. 34 of 2021

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 23, 1974 and by the Uttar Pradesh Legislative Council on March 29, 1974.

Received the assent of the Governor on April 16, 1974 under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette, Extraordinary* dated April 17, 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 the Republic of India as follows :—

Short title 1. (1) This Act may be called the Uttar Pradesh Advocate Welfare and extent Fund Act, 1974.
(2) It extends to the whole of Uttar Pradesh.

Definitions

2. In this Act, unless the context otherwise requires,—
[(a) —Advocate¹ 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]²;
(aa) —Bar Association⁴ means a Bar Association affiliated to the State Bar Council;²
(b) —State Bar Council¹ means the State Bar Council of Uttar Pradesh constituted under section 3 of the Advocates Act, 1961 ; (c) —Fund¹ means the Fund referred to in section 3 ;
[(cc) —member⁴ means a member of the Scheme;³
(d) —Trustees Committee¹ means the Committee constituted under section 3.
4[(e) —Welfare Stamp⁴ means the stamp referred to in section 9;
(f) —Vakalatnama⁴ 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 Government or an officer representing the State Government.]⁵

². Subs. by s. 2 of U.P. Act No. 3 of 1999.

³. Ins. by s. 2 of U.P. Act No. 3 of 1999.

⁴. Ins. By s. 2 of U.P. Act No. 21 of 1988.

⁵. Ins. by s. 2 of U.P. Act No. 21 of 1988 and substituted by s. 2 of U.P. Act No. 3 of 1999.

[The Uttar Pradesh Advocates Welfare Fund Act, 1974]

Objects of the 3. (1) For the following objects of general public utility, a fund 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 year ;

(b) the provision of buildings for halls and libraries, [canteens, sheds and other facilities]¹ or the making of contributions to [Bar Associations]² for the purposes of making such provision ;

[(bb) the organisation of Advocate Social Security Fund Scheme herein after referred to as the Scheme, for such advocates as become members of the Scheme;³

(c) the organization of other scheme 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 ; and
- (g) any interest or dividend or other return or any investment made in respect of any part of the Fund.
- [(h) the sale proceeds of stamps transferred by the State Government in accordance with section 10;]⁴
- (i) all admission fees and annual subscriptions, for membership of the Scheme received in accordance with section 11 and interest, if any, thereon.]⁴

1.

[Subs. by s. 3 of U. P. Act No. 3 of 1999.](#)

[2. Subs. by s. 3 of U. P. Act No. 3 of 1999.](#)

[3. Ins. by s. 3 \(a\) of U.P. Act No. 21 of 1988.](#)

[4. Ins. by s. 3\(b\) of U.P. Act No. 21 of 1988.](#)

[The Uttar Pradesh Advocates Welfare Fund Act, 1974]

(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 the 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 him]¹ ;
- [(bb) two members of the State Bar Council, by it.]²
- (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 shall hold office till the office of the Chairman State bar Council is held by the Advocate General, but he may at any time writing under his hand addressed to the Chairman, resign his membership.]³

(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 used 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

4. [(1) As soon as may be after the commencement of this act, **certain monies to the Fund** 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.

(2) An amount equivalent to the stamp duty deposit Advocates for certificates of enrolment with the State Bar Council a financial year shall be transferred by the State Government Fund as soon as may be after the end of that financial year as transfer shall discharge the State Government of its liabilities respect thereof, for that financial year.]⁴

Financial

5. (1) The Trustees Committee may, from time to time, borrow **provisions** 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.

1.

[Subs. by s. 3 \(b\) of U.P. Act No. 3 of 1999.](#)

[2. Ins. by s. 3\(b\) of U.P. Act No. 3 of 1999.](#)

[3. Ins. by s. 3 \(c\) of U.P. Act No. 3 of 1999.](#)

[4. Renumbered and Ins. by s. 4 of U.P. Act No. 3 of 1999.](#)

[The Uttar Pradesh Advocates Welfare Fund Act, 1974]

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

Power of the State Govern- 7. The state Government may from time to time issue to the ment to issue Trustees committee such directions as in its opinion is necessary or directions expedient for carrying out the purposes of this act, and it shall the duty of the Trustee Committee to comply with such direction.

Contribution [8. The State Bar Council shall contribute to the Fund rupees by State Bar Council one lakh on the date of commencement of the Uttar Pradesh Advocates Welfare Fund (Amendment) Act, 1988. [***]]¹

[Provided that any amount contributed by the State Council under this section as it stood prior to the common Act, 1998, shall not be refundable.]²

Welfare stamp 3[9. (1) Every advocate shall affix on the Vakalatnama accept on him a Welfare Stamp of the value of [ten rupees]⁴ and no Counsel, authority or **Vakalatnama** person shall receive any Vakalatnama to file such advocate unless it is so stamped in addition to and required under any other law for the time being in force.]

(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.

[(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 furthr proceeding is that case.]⁵

Printing and 10. (1) The [Bar Council]⁶ shall cause to be printed Welfare sale of welfare **stamps** Stamps for the purpose 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.

1.

[Omitted by s.5 of U.P. Act No. 3 of 1999.](#)

[2. Ins. by s.5 of U.P. Act No. 3 of 1999.](#)

[3. Subs. by s. 2 of U.P. Act No. 9 of 2003.](#)

[4. Subs. by s. 6 of U.P. Act No. 3 of 1999.](#)

[5. Ins. by s. 2 of U.P. Act No. 9 of 2003.](#)

[6. Subs. by s. 7 of U.P. Act No. 3 of 1999.](#)

[The Uttar Pradesh Advocates Welfare Fund Act, 1974]

(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 (which shall be paid to the Bar Council)]¹ 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 [received from the Bar Council and sold, the details of costs deducted, [the cost of printing paid to the Bar Council]² and the amount transferred under this section to the account of the Fund, within three months of such transfer.

[(5) The State Government may provide the services of Government Press for printing of welfare stamps on realizing the printing charges.]³

Provision in

[10–A (1) Notwithstanding any thing contained in section case of non-availability of 10, in case of temporary shortage of Welfare Stamps, the value of

Welfare

Welfare Stamps may be paid in cash to such subordinate officer or Stamps clerk of the court, tribunal, authority or person as may be specified by such court, tribunal authority or person and such sub-ordinate 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 be notified order specify in this behalf.]⁴

Membership

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

¹ [Subs. by s. 7 \(b\) of U.P. Act No. 3 of 1999.](#)

² [Subs. by s. 7 \(c\) of U.P. Act No. 3 of 1999.](#)

³ [Ins. by s. 7 \(d\) of U.P. Act No. 3 of 1999.](#)

⁴ [Ins. by s. 8 of U.P. Act No. 3 of 1999.](#)

[The Uttar Pradesh Advocates Welfare Fund Act, 1974]

(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.

“[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.]1”

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.

[(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 retainership or monthly allowance from the Government or such body, authority or corporation, as the case may be.]2

**Cessation of
and re-
admission**

12. (1) A member of the Scheme shall cease to be such **membership** 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.

[1. Ins.](#)

by s. 9(a) of U.P. Act No. 3 of 1999.

2. [Ins. by s. 9\(b\) of U.P. Act No. 3 of 1999.](#)

[The Uttar Pradesh Advocates Welfare Fund Act, 1974]

(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 re-admitted 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.

Payment from

13.1[(1) In the event of death of member, his nominee or where there **the Fund on** is no nominee, his legal heirs shall be paid from the Fund an amount **cessation of membership** 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 clause (b), (c) or (d) of sub section of (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 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 there on at such rate 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.]

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).

Restriction on **14.** Notwithstanding any thing contained in any other law for **alienation** the time being in force, the right or interest of any member of the **attachment etc. of interest** Scheme or his nominee or legal heirs to receive any amount from the **of members** 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.

Special provisions for the member of under this Act as it stood immediately before the commencement of

the Scheme 2[**14-A.** Where an Advocate who is a member of the Scheme 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.]

[Subs. by s. 02 of U.P. Act No. 34 of 2021](#) [1.](#)

[2. Ins. by s. 11 of U.P. Act No. 3 of 1999.](#)

[The Uttar Pradesh Advocates Welfare Fund Act, 1974]

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

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

(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.”]1

[8, 9, 10, 11, 12, 13, 14, 15 and 16 inserted by s. 4 of U.P. Act No. 21 of 1988.](#) [1. Ss.](#)