

Bill No. 265 of 2024

THE ADVOCATES (AMENDMENT) BILL, 2024

By

SHRI OMPRAKASH BHUPALSINH ALIAS PAVAN
RAJENIMBALKAR, M.P.

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BILL

Further to amend the Advocates Act, 1961.

BE it enacted by Parliament in the Seventy-fifth Year of the
Republic of India as follows:

1. (1) This Act may be called the Advocates (Amendment) Act, Short title and
2024. Commencement.

(2) It shall come into force on such date as the Central
Government may, by notification in the Official Gazette, appoint, and
different dates may be appointed for different provisions of this Act.

2. In section 2 of the Advocates Act, 1961, (hereinafter referred to as the principal Act), in sub-section (1),- Amendment of section 2.

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

"(a) "advocate" means and advocate entered in any roll under the provisions of this Act and includes an advocate carrying on practice in law with a law firm”;

(aa) "Advocates Nurture Fund" means the fund constituted by the Central Government under section 44C to be specifically used for the purposes mentioned under section 44A;”;

(ii) after clause (g), the following clause shall be inserted, namely:-

(ga) "junior advocate" means a law graduate who has enrolled with the bar council of any State or Union Territory of India and who has passed All India Bar Exam (AIBE) conducted by Bar Council of India, a statutory body constituted under the advocates act, 1961 and whose annual income does not exceed rupees two lakh per annum;”;

3. After section 44 of the principle Act, the following sections shall be inserted, namely:— Insertion of new sections 44A and 44B.

"CHAPTER - VA
SOCIAL SECURITY BENEFITS

44A. (1) The Central Government shall, in consultation with the Bar Council of India, formulate and notify, from time to time, suitable welfare schemes for practicing lawyers on matters relating to,- Nurture Schemes for Practising Lawyers.

(a) life insurance cover up to the age of fifty years;

(b) health benefits;

(c) stipend for junior advocates;

(d) group health insurance cover;

(e) compensation in case of death; and

(f) any other benefits as may be determined by the Central Government.

(2) The State Government may, in consultation with the State Bar Council formulate and notify, from time to time, suitable welfare schemes for practicing advocates, including schemes relating to—

- (a) chamber building;
- (b) organization of seminars, lectures symposiums for knowledge re-orientation; and
- (c) the organization of other scheme for the nurture of needy Advocates.

44B. The Central Government shall, in consultation with the Bar Council of India, formulate and notify, from time to time, suitable stipend scheme for junior advocates for a period of three years or till starting independent practice or till he reaches the age of twenty-seven years, whichever is earlier, from the date of passing the All India Bar Exam (AIBE).

Stipend for
Junior
Advocates.

44C. (1) The Central Government shall, by notification in the Official Gazette constitute a fund to be called the “Advocates’ Nurture Fund” which shall be managed by the Central Government in consultation with the Bar Council of India in such manner as may be prescribed.

Constitution of
the Advocates
Social Nurture
Fund.

(2) The Fund shall be made up of,-

(a) any grants made to the Fund by the Central Government;

(b) all contributions made to it by the Bar Council of India and State Bar Councils;

(c) any voluntary donation or contribution made to the Fund by any Advocate, including any sum received from the insurance company 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 profits or dividends received from the insurance company in respect of the policy of group life insurance of Advocates;

(e) any interest or dividend or other return or any investment made in respect of any part of the Fund; and

(f) all admission fees and annual subscription for membership of the Scheme received and interest, if any, thereon.”.

STATEMENT OF OBJECTS AND REASONS

In spite of the various court(s) noting the plight of talented junior advocates leaving advocacy on account of financial instability, there have been very less progress on that front..

In a recent research by Vidhi Centre for Legal Policy, which showed that more than “79 per cent of the advocates across seven high courts with less than two years of legal practice at the Bar are earning less than Rs. 10,000/- per month”. The numbers of young advocates who are entering Litigation are on decline because of the sole reason of lack of institutional financial support.

Majority of advocates at the High Courts of Allahabad, Bombay, Kerala, Madras and Patna were of the opinion that young lawyers earned between rupees two thousand and rupees five thousand per month, during their first two years of practice.

Advocates, as architects of justice, play a crucial role in ensuring society remains intact and justice is served. In their tireless pursuit for upholding justice, advocates remind us that justice is not just a concept but a way of life;

This seeks to amend the Advocates Act, 1961 with a view to constitute Advocates' Nurture Fund and the rules for the disbursement funds to be made by the Central or the State Government to create a financial security net for the advocates who have retired from practicing because of their age or illness and to the young lawyers who have just started out in the profession for their sustenance.

Hence this Bill.

OMPRAKASH BHUPALSINH ALIAS
PAVAN RAJENIMBALKAR

New Delhi
November 11, 2024.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Advocates' Nurture Fund to be managed by the Central Government. It also provides for the Central Government to provide grants for the fund. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage it is not possible to calculate the exact amount which is likely to be incurred towards recurring and non-recurring expenditure for the purpose.

ANNEXURE

EXTRACT FROM THE ADVOCATE ACT, 1961

ACT NO. 25 OF 1961

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2.(1) * * * * Definitions.

(a) “advocate” means an advocate entered in any roll
under the provisions of this Act;

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(i) “Legal practitioner” means an advocate or vakil
or any High Court, a pleader, mukhtar or revenue agent;

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(n) “State roll” means a roll of advocates prepared and
maintained by a State Bar Council under section 17.

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(Shri Omprakash Bhupalsinh Alias Pavan Rajenimbalkar, M.P.)