

Bill No. 42 of 2024

THE ADVOCATES (AMENDMENT) BILL, 2024

By

DR. SHRIKANT EKNATH SHINDE, M.P.

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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, 2024.

Short title and
commencement.

5 (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.

managed by the Central Government in consultation with the Bar Council of India in such manner as may be prescribed.

5 (2) There shall be credited to the fund, a compulsory contribution called the social security contribution one per cent of the net income after tax or such higher percentage as may be prescribed by the Central Government, from time to time from practicing advocates having income after tax exceeding rupees one crore.

(3) There shall also be credited to the Fund—

10 (a) any voluntary donation or contribution made to the Fund by the Bar Council of India, any State Bar Association, any State Advocates' Association or other association or institution, or any advocate or other person; and

(b) any grants which may be made by the Central Government or a State Government to the Fund.

STATEMENT OF OBJECTS AND REASONS

The Preamble of the Constitution of India speaks of a solemn resolution to secure to all of its citizens, amongst other things, justice. Of the entire apparatus put in place to ensure timely delivery of justice, the most crucial component is the human resource element—the advocate. Even after 75 years after the country’s freedom there is no social security scheme for advocates. The importance of the role of advocates is unquestionable and their role in shaping our society, already acknowledged. Therefore, the well-being of lawyers and a plan for their social security is a matter of grave concern and one that demands the closest attention of the Government, Bar Councils, the Bar and the legal fraternity at large.

The primary aim of the Advocates Act, 1961, is to constitute a single class of legal practitioners, ‘Advocates’ as well as to introduce the powers of the Bar Council of India and the State Bar Council. According to this Act, only Advocates, who are enrolled in the Bar Council, have the power to practice the law in the court. With the enactment of the *Advocate’s Welfare Fund Act, 2001*, some steps were sought to be taken in this direction. Ineffective implementation of its provisions, however, has rendered it almost defunct.

This seeks to amend the Advocates Act, 1961 with a view to constitute Advocates’ Social Security Welfare 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.

NEW DELHI;
July 2, 2024

SHRIKANT EKNATH SHINDE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Advocates' Social Security 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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Definitions. 2. (1) * * * * *

(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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(Dr. Shrikant Eknath Shinde, M.P.)