

KARNATAKA ACT No. 18 OF 2002
THE KARNATAKA ADVOCATE'S WELFARE FUND
(AMENDMENT) ACT, 2002

Arrangement of Sections

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STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Advocates Welfare Fund Act, 1983,-

- (i) to make the Chairman of the Karnataka State Bar Council as the Chairman of the Trustee Committee in place of the Advocate General and to continue the Advocate General as a member Ex-officio:

- (ii) to make the Secretary, Department of Law, Government of Karnataka to be a member Ex-officio.
- (iii) to make the Vice-Chairman of the Bar council to be the Treasurer of the Trustee Committee.
- (iv) to reduce the time limit from three months to one month in respect of a notice required to be issued by a nominated member of trustee committee who intends to resign his office.
- (v) to reduce the time limit from the existing five months to three months for disposal of application received by the Trustee Committee for payment of amount out of the fund:
- (vi) to enable the Chairman of the of the Trustee Committee to act as Treasurer.
- (vii) to allow membership of the fund to all the Advocates by removing the restriction placed on certain categories of Advocates practice subject to a maximum of rupees one lakh fifty thousand.
- (viii) to require every advocate enrolled as such and has become a member after 1997 to make declaration in the fifth year and tenth year of his becoming member.
- (ix) to allow an advocate to have on cessation of practice due to permanent disability an amount of rupees one lakh fifty thousand and to provide for rupees two thousand for every completed year

of practice to an advocate who enrolls after the age of forty years.

- (x) To provide for printing of welfare fund stamps of the face value of rupees five or ten council and to require every advocate to affix the welfare fund stamp of the value of rupees ten on every vakalath.
- (xi) to enhance the contribution amount of every designated senior advocate from the existing rupees two thousand five hundred to rupees five thousand per annum and to enhance the late fee from rupees ten to rupees twenty per month or part of a month for failure to pay contribution by the designated senior advocates.

Certain consequential amendment are also made.

Hence the Bill.

(L.C. Bill No. 3 of 2002)

KARNATAKA ACT No. 18 OF 2002

(First published in the Karnataka Gazette Extraordinary on the Ninth Day of September 2002)

**THE KARNATAKA ADVOCATE'S WELFARE FUND
(AMENDMENT) ACT, 2002**

(Received the assent of the Governor on the Sixth day of September, 2002)

An Act further to amend the Karnataka Advocate's Welfare Fund Act, 1983.

Whereas it is expedient further to amend the Karnataka Advocate's Welfare Fund Act, 1983 (Karnataka Act 2 of 1985) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-third year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Advocate's Welfare Fund (Amendment) Act, 2002.

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

2. Amendment of section 2.- In section 2 of the Karnataka Advocates Welfare Fund Act, 1983 (Karnataka Act 2 of 1985) (hereinafter referred to as the principal Act),-

(1) after clause (d) , the following clause shall be inserted, namely,-

“(d1) “chairman” means the chairman of the Trustee Committee;”

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(2) in clause (e), for the words “unmarried minor” the word “minor” shall be substituted.

(3) in clause (m), the words, figures and brackets “and includes deemed voluntary suspension of practice referred to in sub-section (4) of section 16” shall be inserted at the end.

3. Amendment of section 4.- In section 4 of the principal Act, in sub-section (3),-

(i) for clauses (a) and (b), the following clauses shall be substituted, namely:-

“(a) The Chairman of the Bar Council who shall be the chairman of the Trustee Committee, ex-officio;

(aa) The Advocate General of Karnataka who shall be a member- Ex-officio.

(b) The Secretary, Department of Law, Government of Karnataka who shall be a Member Ex-officio.

(ii) for clause (e), the following shall be substituted, namely,-

“(e) the Vice Chairman of the Bar Council who shall be the Treasurer of the Trustee Committee – Ex-officio.”

4. Amendment of section 6.- In section 6 of the principal Act, in sub-section (1), for the words “three months” the words “one month” shall be substituted.

5. Amendment of section 9.- In section 9 of the principal Act, in sub-section (2), in clause (c), for the words “five months” the words “three months” shall be substituted.

6. Amendment of section 11.- In section 11 of the Principal Act, in clause (d), for the word “Treasurer” the word “Chairman” shall be substituted.

7. Amendment of section 15.- In section 15 of the principal Act ,-

(1) in sub-section (1), the words, figures and brackets “ other than an Advocate coming under proviso to sub-section (5) of section 16” shall be omitted;

(2) in sub-section (1A), for the words “late fee of rupees ten per month or part of a month subject to a maximum of rupees one hundred” the words, “late fee of rupees twenty per month or part of a month “ shall be substituted.

8. Amendment of section 16.- In section 16 of the principal Act,-

(1) in sub-section (1), for the words “rupees one thousand” and “rupees fifty thousand” the words “ rupees three thousand” and “rupees one lakh fifty thousand “ shall, respectively be substituted;

(2) in sub-section (4), after the second proviso, the following proviso shall be inserted, namely:-

“Provided also that an Advocate who is enrolled as an Advocate and has become member after the First day of April, 1997 shall file declarations in the prescribed form during the last month of fifth and tenth year of his becoming member, failing which he shall be deemed to have voluntarily suspended practice for the purpose of this section immediately after the last date of the last month of fifth year or tenth year, as the case may be.”

(3) in sub-section (5),-

(a) for the words "rupees fifty thousand" the words "rupees one lakh and fifty thousand" shall be substituted;

(b) in the proviso, the following shall be inserted at the end, namely:-

"but such member shall be paid an amount at the rate of rupees two thousand for every completed year of practice".

9. Amendment of section 22.- In section 22 of the principal Act, in sub-section (1), for the words " five rupees" the words "five rupees or ten rupees" shall be substituted.

10. Amendment of section 23.- In section 23 of the principal Act,

(1) In sub-section (1), for the words "one welfare fund stamp" the words "welfare fund stamps of the value of rupees ten" shall be substituted.

(2) After sub-section (1), the following shall be inserted, namely:-

"(1A) Every Advocate shall affix welfare fund stamp of rupees five on every interim application filed in all the proceedings".

11. Amendment of section 23A.- In section 23A of the principal Act, in sub-section (1) for the words "rupees two thousand five hundred per year" the words " rupees five thousand in every financial year " shall be substituted;

(2) in sub-section (2), for the words "rupees twenty five per month or part of a month subject to a maximum of rupees five hundred" the words " rupees two hundred and fifty per month or part of a month" shall be substituted.