

**Maharashtra Advocates Welfare Fund (Amendment) Act,
2015**

46 of 2015

[31 December 2015]

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**Maharashtra Advocates Welfare Fund (Amendment) Act,
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An Act to amend the Maharashtra Advocates Welfare Fund Act, 1981.

WHEREAS it is expedient to amend the Maharashtra Advocates Welfare Fund Act, 1981, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. Short title and commencement :-

(1) This Act may be called the Maharashtra Advocates Welfare Fund (Amendment) Act, 2015.

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

2. Amendment of section 2 of Mah. LXI of 1981 :-

In section 2 of the Maharashtra Advocates Welfare Fund Act, 1981

(hereinafter referred to as "the principal Act"),-

(a) for clause (a), the following clause shall be substituted, namely :-

(a) "Advocate" means a person whose name has been enrolled on the roll of advocates prepared and maintained by the Bar Council of Maharashtra and Goa under section 17 of the Advocates Act and who is domiciled in the State of Maharashtra and a member of any Bar Association;"

(b) after clause (c), the following clause shall be inserted, namely :-

"(ca) "Amendment Act" means the Maharashtra Advocates Welfare Fund (Amendment) Act, 2015;"

(c) in clause (e), after the words "the Bar Council of Maharashtra" the words "and Goa" shall be inserted;

(d) for clause (g), the following clause shall be substituted, namely:-

"(g) "dependents" means wife, husband, father, mother, minor children or any married daughter who is divorcee or who is depending on the member of the Fund;"

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

"(ga) "existing member of the Fund" means an Advocate who is member of the Fund on the date of commencement of the Amendment Act;

(gb) "Fund" means the Advocates Welfare Fund constituted under section 3;"

(f) after clause (j), the following clause shall be inserted, namely :-

"(ja) "retirement from the Fund" means voluntary retirement of any member of the Fund after being member of the Fund for fifteen years from the date of becoming the member of the Fund;"

(g) in clause (o), after the words "by whatever name called" the words "and includes any authority letter," shall be inserted.

3. Amendment of section 3 of Mah. LXI of 1981 :-

In section 3 of the principal Act, in sub-section (2), in clause (j), the word "annual" shall be deleted.

4. Amendment of section 12 of Mah. LXI of 1981 :-

In section 12 of the principal Act, in sub-section (6), after the words, brackets and figure "sub-section (5) " the words "as early as possible but in any case within a period of three months from the

date of receipt of such audit report or directions" shall be added.

5. Amendment of section 15 of Mah. LXI of 1981 :-

In section 15 of the principal Act, in sub-section (2), after the words "Every Bar Association" the words, brackets and figures "recognized and registered as per subsection (1) of section 14" shall be inserted.

6. Amendment of section 16 of Mah. LXI of 1981 :-

In section 16 of the principal Act,-

(a) in sub-section (1),-

(i) for the words "may apply" the words "shall apply" shall be substituted;

(ii) the following proviso shall be added, namely :-

"Provided that, every Advocate who is not the existing member of the Fund on the date of commencement of the Amendment Act shall apply for admission as a member of the Fund within a period of six months from the date of commencement of the said Amendment Act.";

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

(i) in clause (i), for the words for a period of twelve years or more, be two hundred rupees" the words for a period of ten years or more, be one thousand rupees" shall be substituted ;

(ii) in clause (ii), for the words " for a period of less than twelve years, be one hundred rupees" the words for a period of less than ten years, be five hundred rupees" shall be substituted ;

(iii) the portion beginning with the words "and such application" and ending with the words "payable alongwith the application" shall be deleted ;

(c) in sub-section (4), for the words "the first instalment of the admission fees paid" the words "the application fees paid shall be substituted ;

(d) for sub-sections (5) and (6), the following subsections shall be substituted, namely :-

"(5) Every member of the Fund shall pay rupees ten thousand only as subscription in the following manner, namely :-

(i) when the standing of the advocate at the time of his admission as a member of the Fund is ten or more years, he shall pay the said amount in lump sum at one time ;

(ii) when the standing of the advocate at the time of his admission as a member of the Fund is less than ten years, he may pay the

said amount in one lump sum or in four equal yearly instalments with the condition that after payment of first instalment, the remaining three instalments will fall due on even dates in subsequent three years :

Provided that, the existing members of the Fund shall pay the said subscription amount after deduction of the annual subscription paid by them prior to the commencement of the Amendment Act:

Provided further that, after the date of commencement of the Amendment Act,-

(a) the existing members having standing of ten or more years on the said date, shall pay the balance of subscription within one year from such commencement; and

(b) the existing members having standing of less than ten years on the said date, shall pay the balance of subscription in one lump sum or in four equal instalments with the condition that first instalment shall be paid within one year from such commencement and remaining three instalments will fall due on even dates in subsequent three years.

(6) If any advocate fails to pay the lump sum subscription or the instalment, as the case may be, in the manner laid down in subsection

(5), then such advocate shall be liable to pay the penalty of rupees fifty per month for the period of default from the due date till the date of payment.";

(e) in sub-section (7),-

(i) the word "annual" shall be deleted ;

(ii) the word "half" shall be deleted.

7. Amendment of section 17 of Mah. LXI of 1981 :-

In section 17 of the principal Act,-

(a) in sub-section (1), the proviso shall be deleted ;

(b) for sub-sections (2), (3) and (4), the following subsections shall be substituted, namely :-

"(2) (a) A member of the Fund shall be eligible and entitled for the retirement benefits at any time after completion of fifteen years from the date of his admission as a member of the Fund, of the amount as mentioned in the Schedule.

(b) If any member opts for retirement benefits at any time before the completion of fifteen years from the date of his admission as a member of the Fund, then he shall be entitled only to a refund of the amount which he has paid as subscription with the Trustee

Committee together with the interest at the rate of 6 per cent. per annum from the date of payment till the date of his retirement from the Fund.

(c) Member suffering from permanent disablement resulting in permanent cessation of practice shall be allowed to retire at any time before completion of fifteen years of his membership of the Fund and shall be entitled to receive the amount as mentioned in the Schedule.

(3) In case a member of the Fund dies within a period of fifteen years of his admission to the Fund, his nominee or legal heir, as the case may be, shall be entitled to get an amount at the rate mentioned in the Schedule.

(4) After the commencement of the Amendment Act, if the existing members of the Fund does not pay in lump sum or in instalments his dues or balance of his subscription calculated on the basis of revised rate of one time payable subscription in the manner provided in subsection (5) of section 16 and he fails to pay the penalty under sub-section (6) of section 16, then he shall be deemed to have been retired from the Fund on the date of commencement of the said Amendment Act; and in case of such deemed retirement,-

(i) such member shall be entitled to; or

(ii) in case of death of such member, his nominees, heir or family members shall be entitled to, the benefits as provided by the provisions of the Schedule appended to this Act as existing prior to the commencement of the said Amendment Act.";

(c) sub-section (5) shall be deleted;

(d) sub-section (7) shall be deleted;

(e) in sub-section (8),-

(i) the word, brackets and figure "or (7)" shall be deleted;

(ii) after the words "as it deems necessary" the words "within a period of three months from the date of receipt of said application and the refund, if any, shall be given as early as possible" shall be added.

8. Amendment of section 18 of Mah. LXI of 1981 :-

In section 18 of the principal Act,-

(a) in sub-section (1), for the words "two rupees" the words "twenty rupees" shall be substituted;

(b) in sub-section (2), after the words "only to the members of the Fund" the words "through the Bar Association or through credit

consumer society of the advocates or any other prescribed agency, as the case may be," shall be added ;

(c) in sub-section (4), after the words "through the Bar Associations" the words ", the credit consumer society of the advocates or any other prescribed agency, as the case may be," shall be added;

(d) in sub-section (5), after the words " the Bar Associations " the words ", the credit consumer society of the advocates or any other prescribed agency, as the case may be," shall be inserted;

(e) in sub-section (6), after the words The Bar Associations " the words ", the credit consumer society of the advocates or any other prescribed agency" shall be inserted.

9. Substitution of SCHEDULE to Mah. LXI of 1981 :-

For the SCHEDULE to the principal Act, the following SCHEDULE shall be substituted, namely :-

"SCHEDULE

(See sections 11 and 17)

30 years of membership Rs. 3,00,000

29 years of membership Rs. 2,90,000

28 years of membership Rs. 2,80,000

27 years of membership Rs. 2,70,000

26 years of membership Rs. 2,60,000

25 years of membership Rs. 2,50,000

24 years of membership Rs. 2,40,000

23 years of membership Rs. 2,30,000

22 years of membership Rs. 2,20,000

21 years of membership Rs. 2,10,000

20 years of membership Rs. 2,00,000

19 years of membership Rs. 1,90,000

18 years of membership Rs. 1,80,000

17 years of membership Rs. 1,70,000

16 years of membership Rs. 1,60,000

15 years of membership Rs. 1,50,000

14 years of membership Rs. 1,40,000

13 years of membership Rs. 1,30,000

12 years of membership Rs. 1,20,000

11 years of membership Rs. 1,10,000

10 years of membership Rs. 1,00,000

SCHEDULE-Contd

9 years of membership Rs. 90,000

8 years of membership Rs. 80,000
7 years of membership Rs. 70,000
6 years of membership Rs. 60,000
5 years of membership Rs. 50,000
4 years of membership Rs. 40,000.".