HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 22219 of 2026

Jyotima

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kuar Singh
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, C.S.C.

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE GARIMA PRASHAD, J.

1. Heard learned counsel for the petitioner, Sri M.C. Chaturvedi, learned Additional Advocate General assisted by Sri P.K. Shahi, learned Additional Chief Standing Counsel for the State, Sri Abhishek Srivastava, learned counsel for respondent No.3 and Sri Ashok Kumar Tiwari, learned counsel for respondent No.2.

2. In compliance of our last order dated 03.08.2026, Shri Uday Pratap Singh, who is a member of Higher Judicial Services of the State of Uttar Pradesh and currently holding the post of Principal Secretary, Law, Government of Uttar Pradesh, is present in person along with an application seeking exemption from personal appearance supported by his personal affidavit.

3. The issue that has arisen in this petition, on account of the petitioner demanding interest upon the delayed disposal of the application for compensation of Rs.5,00,000/- under the welfare scheme of the State Government, is why the applications of the dependents of advocates who

met with an untimely death remain pending consideration for a long period, forcing such litigants to approach this Court, and further as to what is happening to the fund generated from the sale of Advocate Welfare Stamps of Rs.10/- and similar contribution made by the State Government.

4. In paragraph Nos. 8 to 10 of the affidavit, the Law Secretary has stated that there are two schemes run for the welfare of the advocates; one is the ‘Uttar Pradesh Advocate Social Security Fund Scheme’ and the other is the ‘Financial Assistance Scheme for Advocates.’ Thus, according to the affidavit, the first scheme is for social security purposes for which the Act, namely, U.P. Advocates’ Welfare Fund Act, 1974 has come to be enacted and second is the Financial Assistance, a Social Welfare scheme for the dependents of those lawyers who met with an untimely death, vide Government Order dated 29.04.2015.

5. Insofar as the first scheme is concerned, after an amendment was brought in this Act in the year 1988, every advocate is required to be a member of the scheme. Upon being registered as a member of the scheme, such an advocate is entitled to a sum of Rs.5,00,000/- on completion of 30 years of practice or, if he meets with an untimely death, the dependents would be entitled to proportionate benefits in view of the recent amendment further brought to the Act in the year 2021, for a sum of Rs.5,000/- for every year of membership.

6. For becoming a member of the scheme, an advocate is required, as per the amendment, to pay a certain amount of Rs.5,000/- and odd for life membership or Rs.400/- per annum for annual membership. Thus, according to the affidavit, the fund which is created for the purpose of social security is by way of contribution from the sale of Advocate Welfare Stamps and further contribution by the State Government from time to time as an ex-gratia grant. As on date, the affidavit says that

Rs.160 Crore stands deposited under the Social Security Fund with the Trust which is created under the Act and out of this, compensation is paid to the dependents of lawyers who met with an untimely death before completion of membership tenure or to the lawyers who have completed membership of 30 years.

7. Insofar as the second scheme, named as Financial Assistance Scheme, is concerned, the Government Order came to be issued on 27.11.2014. Pursuant to the amendment in aforesaid Government Order on 29.04.2015 converting the group insurance to financial help by way of compensation of Rs.5,00,000/- directly from the Trust, created under the Act, 1974 that has been entrusted with the task of releasing compensation under the Financial Assistance so floated. An initial corpus fund of Rs.20 Crore was created under the Government Order dated 27.04.2025, which has swollen to Rs.330 Crore as on date. The last lump sum contribution given by the State Government was Rs.100 Crore in the financial year 2024-25.

8. The question, therefore, now arises as to how clear applications expeditiously and how to make payments, which concerns the dependents of advocates as well as the Court.

9. Insofar as the first scheme, named Social Security Scheme, is concerned, since the lawyers are registered members under the scheme, their applications are directly entertained by the Secretary of the Trust and after due verification of details from the Trust records compensation is released.

10. Insofar as the Financial Assistance Scheme is concerned, the application is routed through the Bar Council of Uttar Pradesh and, for non-compliance with certain directives or guidelines so as to have details of those who claimed compensation, as enumerated in paragraph 14, the applications remain pending or even sent back to the Bar Council of Uttar Pradesh for further verification and compliances.

11. It is sought to be contended that the delays in payment of compensation under such schemes are caused only due to the lapses on the part of the Bar Council of Uttar Pradesh and, as on date, 1207 applications are pending on account of the deficiencies enumerated in paragraph 14. In paragraph 15, it has come to be stated that 436 applications were taken up in the meeting of the Trust scheduled to be held on 10th August, 2026. The Law Secretary makes a statement before the Court that in the meeting held on 10th August, 2026, 268 applications have come to be disposed of and the compensation is being released. Regarding the others, the applications have been returned to the Bar Council of Uttar Pradesh for further verification and submission of details.

12. We fail to understand as to why the Bar Council sends to Trust such applications with insufficient details or forwards deficient application for not being accompanied by relevant material documents that results in delayed disposal of the applications. The Bar Council of Uttar Pradesh is having a roll of registered advocates and once a dependent’s application is moved before it under the Financial Assistance Scheme, it should get all the forms duly filled up with all supporting documents by the dependents who seek compensation and thereafter only such applications should be forwarded to the Trust for disbursement of claims.

13. Insofar as the remaining applications are concerned that have been returned to Bar Council, we hope and trust that the Bar Council of Uttar Pradesh shall be completing all the formalities with removal of deficiencies and shall be forwarding the applications again to the Trust within the next thirty days, failing which the Secretary of the Bar Council of Uttar Pradesh shall remain present in Court on the next date fixed.

14. Insofar as the modus operandi adopted by the Trust for payment of compensation to the dependents under the Financial Assistance Scheme is

concerned, we find that only the interest part of the corpus is being utilised, resulting in delayed disposal of the applications because every dependent has to be paid under the Financial Assistance Scheme a sum of Rs.5,00,000/-, and the interest part may not be sufficient enough to meet the requirement. The amount of interest which is generated upon the corpus is stated to be Rs.5.64 Crore per quarter, coming to approximately Rs.22.4 Crore annually, out of which only about 440 applications can be disposed of. We are still in the financial year 2026-27, with only two more quarters to go and, therefore, all the 939 pending applications may not be disposed of even if forwarded by the Bar Council of Uttar Pradesh as directed hereinabove. In the circumstances, therefore, the Trust will have to utilise the corpus amount which is lying there with it or may demand further financial assistance from the State as one time to maintain the corpus as it is.

15. In the circumstances, we direct the Trust, through its Secretary present in Court, to demand further such financial assistance from the State Government as may be necessary for disposal of all the remaining 939 applications as on date. The Trust will write to the State Government within the next thirty days, adopting such resolution as may be necessary and, if the Government delays payment, the Trust will certainly liquidate the fixed deposits of corpus to pay compensation without undue delay. We hope that the State Government will take a pragmatic view in the matter in providing necessary financial assistance to the Trust.

16. Coming to the Government Order dated 29.04.2015, we find that the financial assistance was determined as Rs.5 Lakh for dependents of an advocate. More than 10 years have passed since then. The corpus, which was Rs.20 Crore, has swollen to Rs.330 Crore, but the compensation amount has remained static at Rs.5 Lakh, which does not appear to be a happy situation.

17. Let the Government come up with an affidavit as to what amount it proposes to enhance towards the compensation under financial assistance scheme, and we leave it to the wisdom of the State Government. If a proper affidavit in this regard is not filed by the next date fixed, this Court will be compelled to take a serious view of the matter.

18. The Bar Council of Uttar Pradesh shall also come up with an affidavit as to what guidelines it lays down for expeditiously forwarding the applications moved by the dependents of deceased advocates, in future.

19. List this matter on 05.10.2026.

20. In the given facts and circumstances, we allow the exemption application, dispensing with the personal appearance of the Law Secretary on future dates. We appreciate the assistance rendered by the Law Secretary, who also happens to be the Secretary of the Trust.

(Garima Prashad,J.) (Ajit Kumar,J.)

August 17, 2026
Kuldeep