

Bill No. 13 of 2023

(Authorized English Translation)

THE RAJASTHAN ADVOCATES PROTECTION BILL, 2023

(As introduced in the Rajasthan Legislative Assembly)

A

Bill

to provide for the prevention of the offences of assault, grievous hurt, criminal force and criminal intimidation against the advocates and damage or loss to the property of advocates and for matters connected therewith and incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Seventy-fourth Year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called The Rajasthan Advocates Protection Act, 2023.

(2) It extends to the whole of the State of Rajasthan.

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

2. Definitions.- (1) In this Act unless the context otherwise required:-

- (a) "advocate" shall have the same meaning as assigned to it under section 2(1)(a) of the Advocates Act, 1961 (Central Act No. 25 of 1961) and who is practicing in the State of Rajasthan;
- (b) "client" means the person who is represented by the advocate before any Court or any Tribunal;
- (c) "opposite client" means the person against whom the advocate has represented the case of other person before any Court or any Tribunal; and
- (d) "property" means any property, movable or immovable or equipment or machinery owned by or in possession of any advocate.

(2) Words and expressions used in the Act but not defined shall have the same meaning as assigned to them in the Advocate Act, 1961 (Central Act No. 25 of 1961) and the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

3. Prohibition of assault, grievous hurt, criminal force and criminal intimidation.- Any act of assault, grievous hurt, criminal force and criminal intimidation against an advocate shall be an offence:

Provided that any such assault, grievous hurt, criminal force and criminal intimidation shall be in connection with the discharge of duties of the advocate in the court premises.

4. Advocate entitled for police protection.- On any report made to the police by an advocate in respect to any offence mentioned in section 3 of the Act committed against him,

the police may, if deems fit, provide him protection for such period and in such manner as prescribed in the rules.

5. Penalties.- Notwithstanding anything contained in the Indian Penal Code, 1860 (Central Act No. 45 of 1860) -

(1) Whoever assaults or uses criminal force against an advocate in contravention of section 3 shall be punished with imprisonment of either description for a term which may extend to two years and with fine which may extend to twenty five thousand rupees.

(2) Whoever voluntarily causes grievous hurt to an advocate in contravention of section 3 shall be punished with imprisonment of either description for a term which may extend to seven years and with fine which may extend to fifty thousand rupees.

(3) Whoever voluntarily commits the offence of criminal intimidation against an advocate in contravention of section 3 shall be punished with imprisonment of either description for a term which may extend to two years and fine which may extend up to ten thousand rupees and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, shall be punished with imprisonment of either description for a term which may extend to seven years and with fine which may extend to twenty thousand rupees.

6. Offence to be cognizable.- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), every offence committed under this Act shall be cognizable.

7. Offence to be compoundable.- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), every offence punishable under this Act shall be compoundable by the aggrieved person with the permission of the Court.

8. Compensation.- When a Court imposes a sentence of fine or any other sentence of which fine forms a part, the Court may, when passing judgment, order such amount of the fine recovered to be paid as compensation to the advocate.

9. Prosecution of an advocate.- Notwithstanding anything contained in section 154 of Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) or any other law for the time being in force, if a report of cognizable offence is received from the client or opposite client against the advocate for the act done, during discharge of his professional duties, the same may be registered only after an inquiry by the police officer not below the rank of Deputy Superintendent of Police, which shall be completed within a maximum period of seven days and if a case is registered, a written information of the same be sent to the Bar Council of Rajasthan.

10. Liability to pay damages.- (1) In addition to the punishment specified in section 5, the offender, in appropriate cases, shall also be liable to pay damages for loss or damage caused to the property of an advocate, as may be determined by the Court and he shall also be liable to reimburse the medical expenses incurred by such advocate as may be determined by the Court.

(2) The damages so awarded by the Court under sub-Section (1) shall be recovered as if it were arrears of land revenue.

11. Punishment for misuse of provisions contained in this Act.- Whoever, being an advocate misuses the provision of this Act or uses the same for malicious purposes or makes

false complaint under this Act shall be punished with imprisonment which may extend to three years, or with fine or with both.

12. Act not in derogation to any other law.- The provisions of this Act shall be in addition to and not in derogation to ie provisions of any other law for the time being in force.

13. Power to make Rules.- The State Government may make rules consistent wit the provixiona of this Act.

LEGAL VIDHYA

STATEMENT OF OBJECTS AND REASONS

It is being observed that act of violence against the advocates and caaes of false implications against the legal professionals are being increased in the State day by day which results in deterioration of law and order situations and delay in the justice delivery system.

As such, to save the interest of advocates, it has now become neceaaary to prohibit such violence and false implications against advocates by enacting effective enactment making the offences cognizable in the territory of Rajasthan State. Therefore, The Rajasthan Advocates Protection Bill, 2023 is being proposed.

The Bill seekx to achieve the aforesaid objectives.

Hence the Bill.

शान्ती कुमार धारीवाल,
Minister Incharge.

LEGAL VIDHYA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill, if enacted, shall empower the State Government to make rules to prescribe the period of time for which and the manner in which Police protection may be provided to the advocates in respect to offences mentioned in Clause 3 of the Bill.

Clause 13 of the Bill, if enacted, shall empower the State Government to make rules.

The proposed delegation is of normal character and relates to the matters of detail.

शान्ती कुमार धारीवाल,
Minister Incharge.

LEGAL VIDHYA

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

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(As introduced in the Rajasthan Legislative Assembly)

MAHAVEER PRASAD SHARMA,
Principal Secretary.

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