

# **THE HIMHAL PRADESH ADVOCATES WELFARE FUND ACT, 1996**

## **ARRANGEMENT OF SECTIONS**

### Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Advocates Welfare Fund.
4. Constitution of Trustee Committee.
5. Disqualification and removal of nominated members of Trustee Committee.
6. Resignation by Nominated Members of Trustee Committee and filling up of casual vacancies.
7. Acts of Trustee Committee not to be invalidated by vacancy, defect etc.
8. Vesting and application of Funds.
9. Functions of Trustee Committee.
10. Power to give directions.
11. Funds, borrowing and investments.
12. Powers and duties of Secretary.
13. Transfer of certain money to the Fund.
14. Recognition and registration of Bar Associations.
15. Duties of Bar Associations.
16. Cancellation of recognition and registration of Bar Association.
17. Membership of the Fund.
18. Payment of amount on cessation of practice.
19. Restriction on alienation, attachment etc. of interest of members in the Fund.
20. Group Life Insurance for members and other benefits.
21. Ex-gratia grant to a member of the Fund.
22. Welfare Scheme for indigent and disabled advocates.
23. Meetings of Trustee Committee.
24. Travelling and daily allowances to members of Trustee Committee.
25. Appeal against decisions of Trustee Committee.

26. Printing and distribution of Advocates Welfare Fund stamps by Bar Council.
27. Vakalatnama to bear stamps.
28. Protection of action taken in good faith.
29. Bar of jurisdiction of civil courts.
30. Power to summon witnesses and take evidence.
31. Power to make rules.
32. Power to amend Schedule.
33. Laying of rules and notifications.

The Schedule

---

**THE HIMACHAL PRADESH ADVOCATES WELFARE FUND ACT,  
1996**

**(Act No. 14 of 1996)<sup>1</sup>**

(Received the assent of the President on 23<sup>rd</sup> November, 1996 and was published both in Hindi and English in R.H.P. Extra., dated the 11<sup>th</sup> December, 1996 at p. 5557-5585).

*Amended, repealed or otherwise affected by,-*

- (i) H.P. Act No. 18 of 2004<sup>2</sup>, assented to by the Governor on the 24<sup>th</sup> September, 2004, published both in Hindi and English in R.H.P. Extra., dated 8.10.2004, pages 2083-2088.
- (ii) H.P. Act No. 15 of 2008<sup>3</sup>, assented to the Governor on 30<sup>th</sup> September, 2008, published both in Hindi and English in R.H.P., dated 4.10.2008, pages 4147-4150.
- (iii) H.P. Act No. 3 of 2012<sup>4</sup>, assented to by the Governor on 18<sup>th</sup> January, 2012, published both in Hindi and English in R.H.P. on the 28<sup>th</sup> January, 2012 at pages 5329-5330.
- (iv) H.P. Act No. 7 of 2015<sup>5</sup>, assented to by the Governor on the 18<sup>th</sup> January, 2015, published both in Hindi and English in R. H. P. on the 23<sup>rd</sup> January, 2015 at pages 5758-5759.

---

<sup>1</sup>. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 7.3.1996, p. 894-908.

<sup>2</sup>. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 24.6.2004, p. 983-988.

<sup>3</sup>. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P., dated 4.9.2008, p. 3589-3595.

<sup>4</sup>. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P.22.12.2011, p. 4732 &4733.

<sup>5</sup>. Passed in Hindi by the Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. dated 11.12.2014, p.4938 & 4939.

**An Act to provide for the constitution of a welfare fund for the benefit of Advocates on cessation of practice in the State of Himachal Pradesh and for matters connected therewith or incidental thereto.**

**BE** it enacted by the Legislative assembly of Himachal Pradesh in the Forty-seventh Year of the republic of India as follows:-

**1. Short title, extent and commencement.**-(1) This Act may be called the Himachal Pradesh Advocates Welfare Fund Act, 1996.

- (2) It extends to the whole of the State of Himachal Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**- In this Act, unless the context otherwise requires,-

- (a) "Advocate" means a person whose name has been entered in the State roll of advocates prepared and maintained by the Bar Council of Himachal Pradesh State under section 17 of the Advocates Act, 1961 (25 of 1961) and who is a member of a Bar Association;
- (b) "Bar Association" means an association of advocates recognized and registered by the Bar Council under section 14;
- (c) "Bar Council" means a Bar Council of Himachal Pradesh constituted under section 3 of the Advocates Act, 1961 (25 of 1961);
- (d) "cessation of practice" means removal of the name of an advocate from the State roll maintained by the Bar Council on account of his death or retirement or on account of his voluntary cessation of practice on the ground of permanent physical or mental disability;
- (e) "dependents" means the spouse, parent and children dependent on the member of the Fund and includes his widowed daughter and major children who suffer from physical disability or insanity and who are maintained by him or such of them who survive on his death;
- (f) "Fund" means the Himachal Pradesh Advocates Welfare Fund constituted under section 3;
- (g) "Government" means the Government of Himachal Pradesh;
- (h) "Member of the Fund" means an advocate admitted to the benefits of the Fund and continuing to be a member thereof under the provisions of the Act;

- (i) “prescribed” means prescribed by the Bar Council by rules made under this Act;
- (j) “retirement” means stoppage of practice as an advocate, communicated and recorded by the Bar Council;
- (k) “Stamp” means the Himachal Pradesh Advocates Welfare Fund Stamp printed and distributed under section 26;
- (l) “State” means the State of Himachal Pradesh;
- (m) “suspension of practice” means voluntary suspension of practice as an advocate or suspension by the Bar Council for misconduct;
- (n) “Trustee Committee” means the Himachal Pradesh Advocates Welfare Fund Trustee Committee constituted under section 4;
- (o) “Vakalatnama” includes memorandum of appearance or any other document by which an advocate is empowered to appear or plead before any court, tribunal or institution or other authority legally authorized by any law to take evidence or to adjudicate or decide any dispute.

**3. Advocates Welfare Fund.-** (1) The Government shall constitute a Fund called the Himachal Pradesh Advocates Welfare Fund.

(2) There shall be credited to the Fund-

- (a) an initial amount of ten thousand rupees or such other higher amount as the Bar Council may credited to this Fund at the time of its constitution;
- (b) the amount paid by the Bar Council under section 13;
- (c) any further contribution that may be made by the Bar Council;
- (d) any voluntary donation or contribution made to the Fund by the Bar Council of India, any Bar Association, any Advocates Association or other association or institution or any advocate or other person;
- (e) any sum borrowed under section 11;
- (f) all sums collected under section 17;
- (g) all sums received from the Life Insurance Corporation of India on the death of a member of the Fund under a Group Insurance Policy;
- (h) any profit or dividend or refund received from the Life Insurance Corporation of India in respect of policies of Group Insurance of the members of the Fund;

- (i) any interest or dividend or other return on any investment made of any part of the Fund; and
- (j) all sums collected by way of sale of stamps under section 27.

(3) The sums specified in sub-section (2) shall be paid to, or collected by, such agencies, at such intervals and in such manner, and the accounts of Fund shall be maintained in such manner, as may be prescribed.

**4. Constitution of Trustee Committee.-** (1) The State Government shall, by notification in the Official Gazette, constitute with effect from such date<sup>1</sup> as may be specified therein a Committee to be called “the Himachal Pradesh Advocates Welfare Fund Trustee Committee”.

(2) The Trustee Committee shall be a body corporate by the aforesaid name having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contract and shall by the said name, sue and be sued.

(3) The Trustee Committee shall consist of-

- (a) the Chairman of the Bar Council of Himachal Pradesh who shall be the Chairman of the Trustee Committee, Ex-officio;
- (b) the Advocate General of the State of Himachal Pradesh, Ex-officio Member;
- (c) the Secretary to the Government in Law Department, Ex-officio Member;
- (d) two members nominated by the Government;
- (e) three members of the Bar Council nominated by it; and
- (f) the Secretary of the Bar Council who shall be the Secretary of the Trustee Committee, Ex-officio.

(4) A member nominated by the Government under clause (d) and by the Bar Council under clause (e) of sub-section (3) shall hold office for a term of three years or in the case of members mentioned under clause (e) of sub-section (3) upto duration of his membership in the Bar Council, whichever is less, or till such member resigns his office and his resignation is accepted by the Chairman.

**5. Disqualification and removal of nominated members of Trustee Committee.-** (1) A person shall be disqualified for being nominated, under clauses (d) and (e) of sub-section (3) of section 4, for being a member of the Trustee Committee, if he-

- (a) becomes of unsound mind; or
- (b) is adjudged insolvent; or

---

<sup>1</sup>. “HP Advocate Welfare Fund Trustee Committee” constituted vide this Department Notification No. LLR-E(9)19/96-Leg( Part-II) , dated 3.5.2006.

- (c) is absent without leave of the Trustee Committee for more than three consecutive meetings of the Trustee Committee:

Provided that the member ceasing to hold office under this clause may be allowed to continue as such member by the Trustee Committee, if such member makes an application for the condonation of the absence; or

- (d) is a defaulter to the Fund (in case he is a member of the Fund);
- (e) is convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set-aside; or
- (f) being a person nominated by the Bar Council-
  - (i) ceases to practise as an advocate under the Advocates Act, 1961 (25 of 1961); or
  - (ii) ceases to be member of the Bar Council; or
  - (iii) is debarred from practicing on the ground of professional misconduct.

(2) The Government may remove any member who is or has become disqualified under sub-section (1) from the membership of the Trustee Committee:

Provided that no order removing any member nominated by the Bar Council shall be passed unless the member and the Bar Council have been given an opportunity of being heard.

**6. Resignation by nominated members of Trustee Committee and filling up of casual vacancies.**-(1) Any member nominated under clauses (d) and (e) of sub-section (3) of section 4 may resign his office by giving three months notice in writing to the Government or the Bar Council, as the case may be, and on such resignation being accepted by the Government or as the case may be, by the Bar Council, he shall be deemed to have vacated his office.

(2) A casual vacancy in the office of a member nominated under clause (d) or clause (e) of sub-section (3) of section 4 occurring on account of death, resignation and removal of a member under sub-section (2) of section 5 may be filled up, as soon as it may be convenient, by nomination of any person as a member thereto by the Government or the Bar Council, as the case may be, and a person so nominated to fill such vacancy shall hold office for the remainder of the term of office of the member in whose place he is nominated.

**7. Acts of Trustee Committee not to be invalidated by vacancy, defect etc.**- No act done or no proceeding taken by or under this Act by the Trustee Committee shall be invalidated merely by reason of-

- (a) any vacancy or defect in the constitution of the Committee ;or
- (b) any defect or irregularity in the nomination of any person as a member thereof; or

- (c) any defect or irregularity in such act or proceeding not affecting the merits of the case.

**8. Vesting and application of Fund.**-The Fund shall vest in, and be held and applied by, the Trustee Committee subject to the provisions, and for the purposes, of this Act.

**9. Functions of Trustee Committee.**-(1) The Trustee Committee shall administer the Fund.

(2) In the administration of the Fund, the trustee Committee shall, subject to the provisions of this Act, and the rules made thereunder,-

- (a) hold the amounts and assets belonging to the Fund trust;
- (b) receive applications for admission or re-admission to the Fund and dispose of such applications within ninety days from the date of receipt thereof;
- (c) receive applications from the members of the Fund, their nominees or legal heirs, as the case may be, for payment out of the Fund, and conduct such enquiry as it deems necessary for the disposal of such applications and dispose of the applications within ninety days from the date of receipt thereof;
- (d) record in the minutes book of the trustee committee, its decisions on the applications;
- (e) pay to the applicants amounts at the rates specified in the Schedule;
- (f) send such periodicals and annual reports, as may be prescribed, to the government and the Bar council;
- (g) communicate to the applicants, by post under certificate of posting, the decisions of the Trustee committee in respect of applications for admissions or re-admissions to the Fund or claims to the benefit of the fund;
- (h) appoint such officers and servants as it may think necessary for carrying out the purposes of this Act on such terms and conditions as may be prescribed; and
- (i) do such other acts as are, or may be, required to be done by it under this Act and the rules made thereunder.

**10. Power to give directions.**-The Bar Council or the Trustee Committee may give to the Advocates Association or Bar Association such directions as, in its opinion, are necessary or expedient for carrying out the purposes of this Act.

**11. Funds, borrowing and investments.**- (1) The Trustee Committee may, with the prior approval of the Government and the Bar Council, borrow, from time to time, any sum required for carrying out the purposes of this Act.

(2) The Trustee Committee shall deposit all moneys and receipts forming part of the Fund in any Scheduled Bank or invest the same in any units issued by the Unit Trust of India or any National Savings Certificates issued by any Post Office or in loans floated by any Corporation owned or controlled by the Central Government or the State Government or in securities or in loans floated by the Central Government or the State Government or in any other manner as the Bar Council may, from time to time, direct with the prior approval of the Government.

(3) All amounts due and payable under this Act and all expenditure related to the management and administration of the Fund shall be paid out of the Fund.

(4) The accounts of the Trustee Committee shall be audited annually by a Chartered Accountant approved by the Bar Council.

(5) The accounts of the Trustee Committee as certified by the auditor, together with the audit report thereon, shall be forwarded to the Bar Council and the Government by the Trustee Committee and Bar Council may issue such directions as it deems fit to the Trustee Committee in respect thereof.

(6) The Trustee Committee shall comply with the directions issued by the Bar Council under sub-section (5).

**12. Powers and duties of Secretary.**-The Secretary of the Trustee Committee shall-

- (a) be the chief executive authority of Trustee Committee and responsible for carrying out its decisions;
- (b) represent the Trustee Committee in all suits and proceedings for and against the Trustee Committee;
- (c) authenticate by his signature all decisions and instructions of the Trustee Committee;
- (d) operate the bank accounts of the Trustee Committee jointly with the Chairman or his nominee;
- (e) convene meetings of the Trustee Committee and prepare its minutes;
- (f) attend the meeting of the Trustee Committee with all the necessary records and information;
- (g) maintain such forms, registers and other records as may be prescribed from time to time and do all correspondence relating to the Trustee Committee;
- (h) prepare an annual statement of business transacted by the Trustee Committee during such financial year;
- (i) inspect and verify periodically the accounts and registers of the Bar Associations regarding the sale of stamps and other matters connected therewith; and



- (j) do such other acts as may be directed by the Trustee committee and the Bar Council.

**13. Transfer of certain money to the Fund.**-The Bar Council shall pay to the Fund annually an amount equal to ten percent of the enrolment fees realized by it.

**14. Recognition and registration of Bar Associations.**-(1) All associations of advocates known by any name, functioning in any part of the State may, before a date to be notified or before such extended date as may be notified by the Bar Council in this behalf, apply to the Bar Council in such form and manner as may be prescribed for recognition and registration. Any association of advocates formed after the date of commencement of this Act may at any time thereafter likewise apply to the Bar Council for recognition and registration.

(2) Every application for recognition and registration shall be accompanied by the rules or bye-laws of the association, names and addresses of the office-bearers of the association and an upto-date list of the members of the association showing the name, address, age, date of enrolment and the ordinary place of practice of each member.

(3) The Bar Council may, after such enquiry as it deems necessary, recognize the association and issue a certificate of registration in such form as may be prescribed.

(4) The decision of the Bar Council regarding the recognition and registration of a Bar Association shall be final.

**15. Duties of Bar Association.**- (1) Every Bar Association shall on or before the 15<sup>th</sup> April of every year, furnish to the Bar Council and the Trustee Committee a list of its members as on the 31<sup>st</sup> March of that year.

(2) Every Bar Association shall inform the Bar Council and Trustee Committee of -

- (a) any change in its office-bearers or in its membership, including admissions and re-admissions, within thirty days of such change;
- (b) the death or other cessation of practice or voluntary suspension of practice of any of its members within thirty days from the date of occurrence thereof; and
- (c) such other matters as may be required by the Bar Council from time to time.

(3) Every Advocates Association and every Bar Association shall carry out the directions given to it under section 10 by the Bar Council or the Trustee Committee, as the case may be.

**16. Cancellation of recognition and registration of Bar Association.**-Where the Advocates Association or the Bar Association fails to discharge any of the duties imposed under section 15, or fails to carry out the

directions given under section 10, the Bar Council may, for reasons to be recorded by order, cancel the recognition and registration of such Association:

Provided that no order canceling the recognition and registration of any Advocates Association or the Bar Association shall be passed unless the Advocates Association or the Bar Association has been given a reasonable opportunity of being heard.

**17. Membership of the Fund.-** (1) Any advocate practicing in or before any court, tribunal or authority in the State and being a member of a Bar Association or an Advocates Association recognized by the Bar Council may apply to the Trustee Committee for admission as a member of the Fund in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the Trustee Committee shall make enquiry as it deems fit and either admit the applicant to the Fund or, for reasons to be recorded in writing, reject the application :

Provided that no order rejecting an application shall be passed unless the applicant has been given an opportunity of being heard.

(3) Every applicant shall, alongwith the application, pay, in the prescribed manner, an application fee-

- (i) in the case of an applicant who, on the date of application has practised for a period of less than ten years, rupees one hundred; and
- (ii) in the case of an applicant who, on the date of application has practised for a period of ten years or more, rupees two hundred :

Provided that when an application is rejected under sub-section (2) the application fee paid by the applicant shall be refunded to him.

<sup>1</sup>[(4) Every member of the Fund shall pay an annual subscription to the Fund on or before the 30<sup>th</sup> June every year at the following rates, namely:-

Where the standing of the Advocate at the Bar is less than ten years.	Two hundred rupees.
---	---------------------

Where the standing of the Advocate at the Bar is ten years or more	Four hundred rupees:
--	----------------------

<sup>2</sup>[Provided that a Member of the Fund may at his option make one time payment of life subscription of five thousand rupees at the time of admission or, thereafter, may opt at any time for life membership by making payment of the balance amount so as to credit to his account total sum of five thousand rupees.]

---

<sup>1</sup>. Sub-section (4) subs. vide Act No. 15 of 2008 (sec. 2).

<sup>2</sup>. Subs. for the existing first and second provisos vide Act No. 7 of 2015.

(5) Any member of the Fund who fails to pay the annual subscription for any year on or before the <sup>1</sup>[30<sup>th</sup> June] of that year shall be liable to be removed from the membership of the Fund.

(6) A person removed from the membership of the Fund under sub-section (5) may be re-admitted to the Fund on payment of the arrears with the re-admission fee of twenty five rupees within six months from the date of removal.

(7) Every member of the Fund Shall, at the time of admission to the membership of the Fund, make nomination conferring on one or more of his dependents the right to receive, in the event of his death, any amount payable to the member under this Act.

(8) If a member of the Fund nominates more than one person under sub-section (7), he shall specify in the nomination the amount or share payable to each of the nominees.

(9) A member of the Fund, may, at any time, cancel a nomination by sending a notice in writing to the Trustee Committee; provided that he shall, along with such notice, send a fresh nomination.

(10) Every member of the Fund who has requested the removal of his name from the State roll under section 26-A of the Advocates Act, 1961 (25 of 1961) or who voluntarily suspends practice shall within fifteen days of such request or suspension, intimate that fact to the Trustee Committee and if any member of the Fund fails to do so without sufficient reasons, the Trustee Committee may reduce, in accordance with such principles as may be prescribed, the amount payable to that member under this Act.

**18. Payment of amount on cessation of practice.**-(1) Every advocate who has been a member of the Fund for a period of not less than ten years shall, on his cessation of practice, be paid an amount at the rate specified in the Schedule :

Provided that where the Trustee Committee is satisfied that a member of the Fund ceases to practice within a period of ten years from the date of his admission as member of the Fund as a result of his death or of any permanent physical or mental disability, the Trustee Committee may pay the member of the Fund or his nominee, as the case may be, an amount at the rate specified in the Schedule.

*Explanation.*-The period during which the member of the Fund remained suspended shall not be considered for the purpose of counting the year of standing.

(2) Where a member of the Fund dies, before receiving the amount payable under sub-section (1), his nominee or legal heir, as the case may be, shall be paid the amount payable to the deceased member of the Fund.

---

<sup>1</sup>. Subs for the figures and words “31<sup>st</sup> March” vide Act No. 15 of 2008.

(3) Any person removed from the membership of the Fund under sub-section (5) of section 17 and re-admitted to the Fund under sub-section (6) of that section shall not be entitled to payment of any amount from the Fund under this Act during the period between the date of his removal from the membership of the Fund and the date of re-admission.

(4) Any member who is suspended by the Bar Council for misconduct under the Advocates Act, 1961 (25 of 1961) shall not be entitled to payment of any amount from the Fund under this Act for the period of suspension.

(5) Every member or his nominee or legal heir, as the case may be, shall apply for payment out of the Fund to the Trustee Committee, in such form, as may be prescribed.

**19. Restriction on alienation, attachment etc. of interest of members in the Fund.-** (1) Notwithstanding anything contained in any other law for the time being in force, the interest of any member in the Fund or the right of a member of the Fund or his nominee or legal heirs to receive any amount from the Fund, shall not be assigned, alienated or charged and shall not be liable to attachment under any decree or order of any court, tribunal or other authority.

(2) No creditor shall be entitled to proceed against the Fund or the interest therein of any member or his nominee or legal heirs.

*Explanation:-* For the purpose of this section, "creditor" includes the State, or an Official Assignee or Official Receiver appointed under the law relating to insolvency for the time being in force.

**20. Group Life Insurance for members and other benefits.-**The Trustee Committee may, for the welfare of the members of the Fund-

- (a) obtain from the Life Insurance Corporation of India, policies of Group Insurance for the members of the Fund;
- (b) provide in such manner as may be prescribed for medical and educational facilities for the members of the Fund and their dependents; and
- (c) provide for such other benefits as may be prescribed.

**21. Ex-gratia grant to a member of the Fund.-** The Trustee Committee on an application submitted to it, and after being satisfied about the genuineness of the claim, may allow ex-gratia grant to a member from the Fund.-

- (a) in the case of hospitalization at least for one month or involving a major physical operation; or
- (b) if he is suffering from tuberculosis, leprosy, paralysis, cancer, unsoundness of mind or from some other serious diseases or disabilities.

<sup>1</sup>[XX]

**22. Welfare scheme for indigent and disabled advocates.-** Notwithstanding anything contained in this Act, the Trustee Committee may also at its discretion give financial assistance from the Fund to organize welfare schemes for the indigent, disabled or other advocates <sup>2</sup>[or their dependents], who may or may not be members of the Fund.

**23. Meetings of Trustee Committee.-**(1) The Trustee Committee shall meet atleast once in three calendar months or more often if found necessary to transact business under this Act and the rules made thereunder.

(2) One third members of the Trustee Committee shall form the quorum for a meeting of the Committee.

(3) The Chairman, or in his absence, a member elected from amongst the members present, shall preside over the meeting of the Trustee Committee.

(4) Any matter coming up before a meeting of the Trustee Committee shall be decided by a majority of the members present and voting at the meeting and in the case of any equality of votes, the chairman or the members presiding over the meeting shall have a casting vote.

**24. Traveling and daily allowances to members of Trustee Committee.-** The non-official members of the Trustee Committee shall be entitled to be paid such traveling allowance and daily allowance as are admissible to the members of the Bar Council.

**25. Appeal against decisions of trustee Committee.-**(1) Appeal against any decision of the Trustee Committee shall lie to the Bar Council.

(2) The appeal shall be in the prescribed form and shall be accompanied by –

- (a) a copy of the order appealed against; and
- (b) a receipt evidencing payment of twenty-five rupees to the credit of the Bar Council in any of the branches of the State Bank of India in Himachal Pradesh.

(3) The appeal shall be filed within thirty days from the date of receipt of the order appealed against.

(4) The decision of the Bar Council on the appeal shall be final.

**26. Printing and distribution of Advocates Welfare Fund Stamps by Bar Council.-** (1) The Bar Council shall cause to be printed and distributed Welfare Fund Stamp of the value of <sup>3</sup>[ten] rupees inscribed “Himachal Pradesh Advocates Welfare Fund Stamp” in such design as may be prescribed.

<sup>1</sup>. Sub-section (2) deleted vide Act No. 18 of 2004 (Sec.3).

<sup>2</sup>. The words “or their dependents” ins. vide Act No. 18 of 2004 (Sec. 4)

<sup>3</sup>. Subs. for the word “five” vide Act No. 18 of 2004 (sec. 5).

(2) The stamps shall be of the size 2.54 cm. by 5.08 cm.

(3) The custody of the stamps shall be with the Bar Council.

(4) The Bar Council shall control the distribution and sale of the stamps through the Bar Associations and Advocates Associations.

(5) The Bar Council, the Bar Associations and Advocates Associations shall keep proper accounts of the stamps in such form and in such manner as may be prescribed.

(6) The Bar Associations and Advocates Associations shall purchase the stamps from the Bar Council after paying the value thereof less ten per cent of such value towards incidental expenses.

**27. Vakalatnama to bear stamps.-**<sup>1</sup>[(1) Every Advocate shall affix a stamp of rupees ten on every Vakalatnama filed by him before any court, tribunal or authority and no court, tribunal or authority shall accept any Vakalatnama from an Advocate unless it is so stamped in addition to any stamp required under any other law for the time being in force.]

(2) The value of the stamp shall neither be costs in a case nor be collected in any event from the client.

(3) Any contravention of the provisions of sub-sections (1) and (2) by any member of the Fund shall disentitle him, either in whole or in part, to the benefits of the Fund <sup>2</sup>[and shall be deemed to be a misconduct on the part of an Advocate] and the Trustee Committee shall report such instances to the Bar Council for appropriate action

(4) Every stamped affix on vakalatnama filed before any Court, Tribunal or other authority shall be cancelled in such manner as may be prescribed.

**28. Protection of action taken in good faith.-**(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

(2) No suit or other legal proceedings shall lie against the Government or the Trustee Committee or the Bar Council for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

**29. Bar of jurisdiction of civil courts.-** No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Trustee Committee or the Bar Council.

**30. Power to summon witnesses and take evidence.-**The Trustee Committee and the Bar Council shall, for the purpose of any enquiry under

<sup>1</sup>. Subs. vide Act No. 18 of 2004 (sec. 6).

<sup>2</sup>. Added vide Act No. 18 of 2004 (sec. 6).

this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following namely :-

- (a) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavit; and
- (d) issuing commission for the examination of witnesses.

**31. Power to make rules.**-The Bar Council may, with the previous approval of the Government, by notification, make rules for the purposes of carrying into effect the provisions of this Act.

**32. Power to amend Schedule.**-The Government may, by notification, on the recommendation of the Trustee Committee and having due regard to the availability of the amount in the Fund, amend the rates specified in the Schedule.

**33. Laying of rules and notification.**-Every rule made under section 31, and every notification issued under section 32, shall, as soon as possible, after it is made or issued, be laid on the Table of the Legislative Assembly and if, before the expiry of the session in which it is so laid or the next session, the Assembly makes any modification in any such rule or notification or the Assembly decides that rule or the notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

## THE SCHEDULE

[See sections 9 (2) (e), 18 and 32]

	Rs.
<sup>1</sup> [30 years as a member of the Fund	1,50,000
29 years as a member of the Fund	1,45,000
28 years as a member of the Fund	1,40,000
27 years as a member of the Fund	1,35,000
26 years as a member of the Fund	1,30,000
25 years as a member of the Fund	1,25,000
24 years as a member of the Fund	1,20,000
23 years as a member of the Fund	1,15,000
22 years as a member of the Fund	1,10,000

<sup>1</sup>. Rates specified in Schedule substituted vide Not. No. . LLR-E(9)- 19/96- Leg. (Part-II) dated 17<sup>th</sup> January, 2007, published in R.H.P. Extra., dated 19.1.2007 , . 11317-11319.

21 years as a member of the Fund	1,05,000
20 years as a member of the Fund	1,00,000
19 years as a member of the Fund	95,000
18 years as a member of the Fund	90,000
17 years as a member of the Fund	85,000
16 years as a member of the Fund	80,000
15 years as a member of the Fund	75,000
14 years as a member of the Fund	70,000
13 years as a member of the Fund	65,000
12 years as a member of the Fund	60,000
11 years as a member of the Fund	55,000
10 years as a member of the Fund	50,000
9 years as a member of the Fund	45,000
8 years as a member of the Fund	40,000
7 years as a member of the Fund	35,000
6 years as a member of the Fund	30,000
5 years as a member of the Fund	25,000
4 years as a member of the Fund	20,000
3 years as a member of the Fund	15,000
2 years as a member of the Fund	10,000
1 years as a member of the Fund	5,000.]

---