THE MAHARASHTRA ADVOCATES WELFARE FUND ACT, 1981

[*Text as on 30th May 2024*]

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LIST OF AMENDMENT ACTS

1. Amended by Mah. 46 of 2015 (1-5-2016)[1]

1 This Act came into force *vide* G.N., L. and J. D., No/CCA. 2014/62/C.R.29/A/D-19, dated 21st April 2016.

MAHARASHTRA ACT No. LXI OF 1981[1]

[THE MAHARASHTRA ADVOCATES WELFARE FUND ACT, 1981.]

[This Act received the assent of the President on the 5th November 1981; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 6th November 1981.]

An Act to provide for the constitution of an Advocates Welfare Fund and utilization thereof for payment of certain retirement and other benefits to the Advocates in Maharashtra.

WHEREAS it is expedient to provide for the constitution of an Advocates Welfare Fund and utilization thereof for the payment of certain retirement and other benefits to the Advocates in the State of Maharashtra and for matters connected therewith or incidental thereto; It is hereby enacted in the Thirty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (*1*) This Act may be called the Maharashtra Advocates Welfare Fund Act, 1981.

(*2*) It extends to the whole of the State of Maharashtra.

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

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

[3][(*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 a domiciled in the State of Maharashtra and a member of any Bar Association;]

(*b*) "Advocates Act" means the Advocates Act, 1961 (XXV of 1961);

(*c*) "Advocates Welfare Fund" or "Fund" means the fund constituted and maintained under this Act;

[4][(*ca*) "Amendment Act" means the Maharashtra Advocates Welfare Fund (Amendment) Act, 2015 (Mah. XLVI of 2015);]

(*d*) "Bar Association" means an association of Advocates attached to any Court or any Tribunal or such other authority or person as is legally authorised to take evidence or to adjudicate or decide any disputes in the State of Maharashtra and recognised by the Bar Council under section 14;

(*e*) "Bar Council" means the Bar Council of Maharashtra [5][and Goa], constituted under section 3 of the Advocates Act;

(*f*) "cessation of practice" means removal of the name of an advocate from the State roll maintained by the Bar Council on account of his retirement or death;

[6][(*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;]

1 For Statement of Objects and Reasons of the L. A. Bill No. XLV of 1981, *seeMaharashtra Government Gazette*, 1981, Extraordinary No. 48, Part V, dated 25th April 1981, pages 418-419.

2 20th November 1981, *vide* G.N., L. & J. D., No. CFA. 1078/233(81)-X, dated 19th November 1981. 3 Clause (*a*) was substituted by Mah. 46 of 2015, s. 2(*a*).

4 Clause (*ca*) was inserted by Mah. 46 of 2015, s. 2(*b*).

5 These words were inserted by Mah. 46 of 2015, s. 2(*c*).

6 Clause (*g*) was substituted by Mah. 46 of 2015, s. 2(*d*).

1[(*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;]

(*h*) "member of the Fund" means an Advocate admitted to the benefit of the Fund and continuing to be a member thereof under the provisions of this Act;

(*i*) "prescribed" means prescribed by the Bar Council by regulations made under this Act;

(*j*) "retirement" means stoppage of practice as an Advocate communicated to and recorded by the Bar Council;

2[(*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;]

(*k*) "stamp" or "welfare fund stamp" means the stamp printed and distributed by the Bar Council under section 18;

(*l*) "State" means the State of Maharashtra;

(*m*) "suspension of practice" means voluntary suspension of practice as an Advocate or suspension by the Bar Council for misconduct under Advocates Act;

(*n*) "Trustee Committee" or "Committee" means the committee established under section 4;

(*o*) "*Wakalatnama*" includes a memorandum of appearance or any other document by whatever name called 3[and includes any authority letter], by which an Advocate is empowered to act, appear or plead before any Court, or any Tribunal or such other authority or person as is referred to in section 14 legally authorised to take evidence or to adjudicate or decide any disputes.

CHAPTER II

CONSTITUTION OF ADVOCATES WELFARE FUND

3. Constitution of Advocates Welfare Fund.— The State Government shall constitute a fund called the Advocates Welfare Fund.

(*2*) There shall be credited to the Fund—

(*a*) an initial amount of Rs.10,000 or such other higher amount as the Bar Council may credit to this Fund before the 31st December 1981; and all amounts paid by the Bar Council annually from the year 1982 onwards under sub-section (*3*);

(*b*) any other contribution made by the Bar Council;

(*c*) any voluntary donation or contribution made to the Fund by the Bar Council of India, or any Bar Association or any Advocates;

(*d*) all sums collected by way of sale of stamps under section 18;

(*e*) any grants which may be made by the State Government to the Fund under appropriation duly made in this behalf;

(*f*) any grants, donations, gifts, benefactions received from other institutions or persons and credited to the Fund, from time to time;

(*g*) any sum borrowed under section 12;

(*h*) all sums received from the Life Insurance Corporation of India on the death of any member of the Fund under any Group Insurance Policy;

1 Clause (*ga*) and (*gb*) were inserted by Mah. 46 of 2015, s. 2(*e*).

2 Clause (*ja*) was inserted by Mah. 46 of 2015, s. 2(*f*).

3 These words were inserted by Mah. 46 of 2015, s. 2(*g*).

(*i*) any profit or dividend received from the Life Insurance Corporation of India in respect of policies of Group Insurance of the members of the Fund;

(*j*) all sums collected under section 16 by way of application fees and [1]* * subscriptions and interest thereon;

(*k*) any interest or dividend or other return on any investment made of any part of the Fund.

(*3*) The Bar Council shall pay to the fund annually an amount at such rate not exceeding 20 per cent. of the enrolment fees realised by it, as the State Government may, by notification in the *Official Gazette*, notify from time to time.

CHAPTER III

ESTABLISHMENT OF TRUSTEE COMMITTEE AND VESTING OF WELFARE FUND IN THAT COMMITTEE

4. Establishment of Trustee Committee.— (*1*) The State Government shall, by notification in the *Official Gazette*, establish, with effect from such date as may be specified therein, a Committee to be called the Maharashtra Advocates Welfare Fund Trustee Committee.

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

(*3*) The Trustee Committee shall consist of the following members, namely :—

(*a*) the Advocate General of Maharashtra, who shall be the Chairman of the Trustee Committee, *ex officio*;

(*b*) the Secretary to Government, Law and Judiciary Department of the Government of Maharashtra, *ex officio*;

(*c*) three members nominated by the State Government;

(*d*) two members of the Bar Council nominated by the Bar Council;

(*e*) the accountant of the Bar Council, who shall be the treasurer of the Trustee Committee, *ex officio*; 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 State Government under clause (*c*) of sub-section (*3*) shall hold office for a term of four years, unless the State Government terminates his nomination earlier or he is removed under sub-section (*2*) of section 5 or he resigns his membership and his resignation is accepted by the State Government under sub-section (*1*) of section 6.

(*5*) A member nominated by the Bar Council under clause (*d*) of sub-section (*3*) shall hold office for a term of four years or for the duration of his membership in the Bar Council, whichever is less, unless he is removed under sub-section (*2*) of section 5 or he resigns his membership and his resignation is accepted by the Bar Council under sub-section (*1*) of section 6.

5. Disqualifications and removal of nominated members of Trustee Committee.— (*1*) A member nominated under clause (*c*) or clause (*d*) of sub-section (*3*) of section 4 shall be disqualified to be a member of the Trustee Committee, if he—

(*a*) becomes of unsound mind; or

(*b*) is adjudged insolvent; or

(*c*) is absent without leave of the Trustee Committee for more than three consecutive meetings of the Committee; or

[1] The word "annual" was deleted by Mah. 46 of 2015, s. 3.

(*d*) is a defaulter to the Fund (in case he is a member of the Fund) or has committed a breach of trust; or

(*e*) is convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set aside.

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

Provided that, no order removing any member shall be passed unless that member and the Bar Council in the case of a member nominated by it have been given an opportunity of being heard:

Provided further that, nothing in this section shall apply where the State Government terminates the membership of a member nominated by it under sub-section (*4*) of section 4, on the ground other than incurring any of the disqualifications and removal under this sub-section.

6. Resignation by nominated members of Trustee Committee and filling up of casual vacancies.— (*1*) Any member nominated under clause (*c*) or clause (*d*) of sub-section (*3*) of section 4 may resign his office by giving one month's notice in writing to the State Government or the Bar Council, as the case may be, and on such resignation being accepted by the State Government or the Bar Council, shall be deemed to have vacated his office:

Provided that, the Bar Council shall consult the State Government before accepting the resignation of a member nominated by it.

(*2*) A casual vacancy in the office of a member nominated under clause (*c*) or clause (*d*) of sub-section (*3*) of section 4 occurring on account of death, resignation, termination or removal of a member may be filled up, as soon as conveniently may be, by nomination of a person thereto by the State Government or, the Bar Council, as the case may be, and a person so nominated shall hold office so long as the member in whose place he is nominated would have held it, if the vacancy had not occurred.

7. Members to act during vacancy, acts of Trustee Committee, etc., not to be invalidated by informalities.— (*1*) During any vacancy in a Trustee Committee the continuing members may act as if no vacancy had occurred.

(*2*) The Trustee Committee shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, or any defect or irregularity in the nomination of any person as a member thereof, or any defect or irregularity in any act done or proceeding taken under this Act or the regulations made thereunder not affecting the merits of the case ; and such proceedings of the Committee shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings or that some defect or irregularity as aforesaid existed.

8. Meetings of Trustee Committee.— (*1*) The Trustee Committee shall meet, at least once in three calendar months or more often if found necessary to transact business under this Act or the regulations made thereunder.

(*2*) Three 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, shall preside over a 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 an equality of votes, the Chairman or the member presiding over the meeting shall have a casting vote.

9. Travelling and daily allowance to members of Trustee Committee.— The non-official members of the Trustee Committee shall be eligible to get such travelling allowance and daily allowance as are admissible to the members of the Bar council:

Provided that, if a member of the Committee is a Member of the Maharashtra Legislative Assembly or Maharashtra Legislative Council or a Member of Parliament the allowances payable to such member shall be the travelling and daily allowances or such other allowances which are payable to him as a

Member of the State Legislature or of Parliament, as the case may be, for the purpose of meeting the personal expenditure in attending the meeting of the State Legislature or Parliament or its Committees.

10. 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.

11. 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 regulations made thereunder,—

(*a*) hold the amounts and assets belonging to the Fund in trust;

(*b*) receive applications for admission or readmission 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 representatives, as the case may be, for payment out of the Fund, conduct such enquiry as it deems necessary for the disposal of such applications and dispose of the applications within five months from the date of receipt thereof;

(*d*) record in the minute book of the Trustee Committee, its decisions on the applications;

(*e*) pay to the applicants amounts at the rates specified in the Schedule;

(*f*) sanction employment of such officers and servants as it may think necessary for performance of its duties and functions under this Act and determine their conditions of service;

(*g*) send such periodical and annual reports as may be prescribed to the State Government and the Bar Council;

(*h*) communicate to the applicants by registered post with acknowledgement due the decisions of the Trustee Committee in respect of applications for admission or readmission to the Fund or claims to the benefit of the Fund;

(*i*) do such other acts as are, or may be, required to be done by it under this Act and the regulations made thereunder.

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

forming part of the Fund in any scheduled bank or invest the same in the units issued by the Unit Trust of India, the National Post Office Savings Certificates or any other Government Security or in loans to any corporation owned or controlled by the Central Government or the State Government 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 State Government.

(*3*) All amounts due and payable under this Act and all expenditure relating 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 the Chief Auditor, Local Fund Accounts or any other person empowered by the State Government to perform the functions of an auditor under the [1]Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930), as if the Fund were a Local Fund and the Trustee Committee were a Local Authority within the meaning of these expressions in the said Act.

1 Now *see* Maharashtra Local Fund Audit Act (XXV of 1930).

(*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 by the Trustee Committee and the 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 report of the auditor and the directions issued by the Bar Council under sub-section (*5*) [1][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].

13. Powers and duties of Secretary.— The Secretary of the Trustee Committee shall—

(*a*) be the chief executive authority of the Trustee Committee and responsible for carrying out its decisions;

(*b*) represent the Trustee Committee in all suits and proceedings for and against the 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 treasurer;

(*e*) convene meetings of the Trustee Committee and prepare their minutes;

(*f*) attend the meetings 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*) inspect and verify periodically the accounts and registers of the Bar Associations regarding the stamps;

(*i*) prepare an annual statement of business transacted by the Trustee Committee during each financial year;

(*j*) make appointments of the officers and servants of the Trustee Committee as sanctioned by the Committee and have power to take disciplinary action against any such officer or servant;

(*k*) do such other acts as may be directed by the State Government, the Trustee Committee and the Bar Council.

CHAPTER IV

RECOGNITION AND REGISTRATION OF BAR ASSOCIATIONS

14. Recognition and Registration of Bar Associations.— (*1*) All associations of Advocates known by any name functioning in any Court, or before any Tribunal, or before any other authority or person legally authorised to take evidence or to adjudicate or decide any disputes 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 as may be prescribed for recognition and registration.

Any association of Advocates constituted 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-rules of the association, the names and addresses of the office-bearers of the association and an up-to-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, recognise 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.

1 These words were added by Mah. 46 of 2015, s. 4.

15. Duties of Bar Associations.— (*1*) Every Bar Association shall, on or before the 15th April every year, intimate to the Bar Council a list of its members as on 31st March of that year.

(*2*) Every Bar Association 1[recognized and registered as per sub-section (*1*) of section 14] shall intimate to the Bar Council—

(*a*) any change of the office-bearers of the association within fifteen days from such change;

(*b*) any change in the membership, including admissions and readmissions, within thirty days of such change;

(*c*) the death, retirement or voluntary suspension of practice of any of its members within thirty days from the date of occurrence thereof; and

(*d*) such other matters as may be prescribed or required by the Bar Council from time to time.

CHAPTER V

MEMBERSHIP IN THE FUND AND PAYMENT THEREFROM

16. Membership in the Fund.— (*1*) Every Advocate practising before any Court, or any Tribunal, any other authority or person legally authorised to take evidence or to adjudicate or decide any disputes in the State and being a member of a Bar Association recognised by the Bar Council under section 14 2[shall apply] to the Trustee Committee for admission as a member of the Fund, in such form as may be prescribed:

3[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.]

(*2*) On receipt of an application under sub-section (*1*), the Trustee Committee shall make such 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*) An application fee shall—

(*i*) in the case of an applicant who, on the date of application has practiced 4[for a period of ten years or more, be one thousand rupees]; and

(*ii*) in the case of an applicant who, on the date of application has practiced 5[for a period of less than ten years, be five hundred rupees]:

6 * * *

Provided that, an applicant belonging to Scheduled Castes or Scheduled Tribes shall pay an application fee equal to the half of the amount of fee specified in clause (*i*) or clause (*ii*), as the case may be.

(*4*) In the event of the rejection of any application [7][the application fees paid] along with the application shall be refunded to the applicant.

1 These words were inserted by Mah. 46 of 2015, s. 5.

2 These words were substituted for the words "may apply" by Mah. 46 of 2015, s. 6(*a*)(*i*).

3 This proviso was added by Mah. 46 of 2015, s. 6(*a*)(*ii*).

4 These words were substituted for the words "for a period of twelve years or more, be two hundred rupees" by Mah. 46 of 2015, s. 6(*b*)(*i*).

5 These words were substituted for the words "for a period of less than twelve years, be one hundred rupees" by Mah. 46 of 2015, s. 6(*b*)(*ii*).

6 The portion beginning with the words "and such application" and ending with the words "payable alongwith the application" were deleted by Mah. 46 of 2015, s. 6(*b*)(*iii*).

7 These words were substituted for the words "the first instalment of the admission fees paid" by Mah. 46 of 2015, s. 6(*c*).

[1][(*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 advocates 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 instalments, 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 instalments, as the case may be, in the manner laid down in sub-section (*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.]

(*7*) Any member who fails to remit the [2]* * subscription or [3]* * yearly instalments, as the case may be, on or before due dates mentioned in sub-section (*5*) or sub-section (*6*) shall after giving him one month's notice in writing be liable to be removed by the Trustee Committee from the membership of the Fund.

(*8*) A person removed from the membership of the Fund under sub-section (*7*) shall be readmitted to the Fund on payment of the arrears with interest at twelve per cent. per annum within six months from the date of removal.

(*9*) Every member shall, at the time of admission to the membership of the Fund, make a nomination conferring on one or more persons the right to receive the amount which may be due to him from the Fund in the event of his death before the amount has been paid to him.

(*10*) If a member nominates more than one person under sub-section (*9*), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may be due to him.

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

(*12*) Every member who voluntarily suspends practice or retires shall, within fifteen days of such suspension or retirement, intimate that fact to the Trustee Committee and if any member fails to do so without sufficient reasons, the Trustee Committee may reduce, in accordance with such principles as may be prescribed, the amount due to that member.

17. Payment from the Fund on cessation of practice.— (*1*) A member of the Fund shall, on cessation of practice be entitled to receive from out of the Fund an amount at the rate specified in the Schedule.

[4]* * *

1 Sub-section (*5*) and (*6*) were substituted by Mah. 46 of 2015, s. 6(*d*). 2 The word "annual" was deleted by Mah. 46 of 2015, s. 6(*e*)(*i*).

3 The word "half" was deleted by Mah. 46 of 2015, s. 6(*e*)(*ii*). 4 The proviso was deleted by Mah. 46 of 2015, s. 7(*a*).

[1][(*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 sub-section (*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.]

[2]* * *

(*6*) An application for payment from the Fund shall be preferred to the Trustee Committee in such form as may be prescribed.

[3]* * *

(*8*) An application received under sub-section (*6*) [4]* * * shall be disposed of by the Trustee Committee after such enquiry as it deems necessary [5][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].

CHAPTER VI

PRINTING AND DISTRIBUTION OF STAMPS BY BAR COUNCIL

18. Printing and distribution of stamps and payment of amount of sale proceeds by Bar Council to Trustee Committee.— (*1*) The Bar Council shall cause to be printed and distributed welfare fund stamps each of the value of [6][twenty rupees] with the Bar Council Emblem and its value inscribed thereon.

(*2*) The stamps shall be of the size 1" X 2" and be sold only to the members of the Fund [7][through the Bar Association or through credit consumer society of the advocates or any other prescribed agency, as the case may be.]

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

1 Sub-sections (*2*), (*3*) and (*4*) were substituted by Mah. 46 of 2015, s. 7(*b*).

2 Sub-section (*5*) was deleted by Mah. 46 of 2015, s. 7(*c*).

3 Sub-section (*7*) was deleted by Mah. 46 of 2015, s. 7(*d*).

4 The words, brackets and figure "or (*7*)" were deleted by Mah. 46 of 2015, s. 7(*e*)(*i*). 5 These words were added by Mah. 46 of 2015, s. 7(*e*)(*ii*).

6 These words were substituted for the words "two rupees" by Mah. 46 of 2015, s. 8(*a*). 7 These words were added by Mah. 46 of 2015, s. 8(*b*).

(*4*) The Bar Council shall control the distribution and sale of the stamps through the Bar Associations [1][, the credit consumer society of the advocates or any other prescribed agency, as the case may be.]

(*5*) The Bar Council and the Bar Associations [2][, the credit consumer society of the advocates or any other prescribed agency, as the case be,] shall keep proper accounts of the stamps in such form and in such manner as may be prescribed.

(*6*) The Bar Associations [3][, the credit consumer society of the advocates or any other prescribed agency] shall purchase the stamps from the Bar Council after paying the value thereof less ten per cent. of such value towards incidental expenses.

(*7*) The Bar Council shall, after deducting from the sale proceeds of stamps the actual cost of printing and distribution of stamps, pay the amount realised by sale of stamps to the Trustee Committee within 15 days after the end of every quarter.

CHAPTER VII

MISCELLANEOUS

19. *Wakalatnama* to bear stamp.— (*1*) Every member of the Fund shall affix one welfare fund stamp referred to in sub-section (*1*) of section 18 on every *Wakalatnama* filed by him and no *Wakalatnama* shall be filed before or received by any Court, Tribunal or other authority or person referred to in section 14 unless it is so stamped.

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

(*3*) Any contravention of the provisions of sub-section (*2*) by any member shall disentitle him to the benefits of the Fund and the Trustee Committee shall report such instances to the Bar Council for appropriate action.

20. Cancellation of welfare fund stamp affixed on *Wakalatnama*.— Every stamp affixed on *Wakalatnama* under sub-section (*1*) of section 19 filed before any Court, Tribunal or any other authority or person shall be cancelled in the manner provided in section 42 of the [4]Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959).

21. Exemption from sections 19 and 20 in certain cases.— Nothing contained in sections 19 and 20 shall apply in the cases of—

(*a*) the Advocates appointed by the Court or the Tribunal or other authority or person referred to in section 14 in suits or other proceedings to assist the indigent persons in matters before them;

(*b*) the Advocates appearing in legal aid matters for parties to whom legal aid has been rendered by the Bar Council or its Legal Aid Committees or by the Central Government or the State Government;

(*c*) the Advocates appointed for the accused by the Courts to help the Court as *amicus curiae* or the Advocate otherwise appearing as *amicus curiae*;

(*d*) the Advocates appearing on behalf of the Bar Council or any Bar Association.

22. Appeal against any decisions of Committee.— (*1*) An 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*) the order appealed against; and

1 These words were added by Mah. 46 of 2015, s. 8(*c*).
2 These words were inserted by Mah. 46 of 2015, s. 8(*d*).
3 These words were inserted by Mah. 46 of 2015, s. 8(*e*).
4 Now *See* Maharashtra Court-fees Act (XXXVI of 1959).

(*b*) a fee of one hundred rupees which shall not be refunded.

(*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.

23. Group life insurance for members and other benefits for Advocates.— (*1*) 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 for medical and educational facilities for the members of the Fund and their dependents; and

(*c*) provide for better library facilities to the recognised and registered Bar Association for the use of the members of the Fund; and

(*d*) provide for such other benefits and amenities as may be prescribed.

(*2*) Notwithstanding anything contained in this Act, the Trustee Committee may also at its discretion give financial assistance from the Fund to organise welfare schemes for the indigent, disabled or other Advocates, who may or may not be members of the Fund.

24. Restriction on alienation, attachment, etc. of interest of member 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 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 or person.

(*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 purposes of this section, "creditor" includes the State, or an official assignee or receiver appointed under the Presidency towns Insolvency Act, 1909 (III of 1909), the Provincial Insolvency Act, 1920 (V 0f 1920), or any other law for the time being in force.

25. 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 regulations made thereunder.

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

26. 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.

27. Power to summon witnesses and take evidence.— The Trustee Committee and the Bar Council shall, for the purposes of any enquiry under this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (V of 1908) in respect of the following matters, namely :—

(*a*) enforcing the attendance of any person for examining him on oath;

(*b*) requiring the discovery and production of documents;

(*c*) receiving evidence on affidavit;

(*d*) issuing commissions for the examination of witnesses.

28. Power to make regulations.— The Bar Council may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations for the purpose of carrying into effect the provisions of this Act and for matters which are to be or may be prescribed under the Act.

[1][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
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]

1 The Schedule was substituted by Mah. 46 of 2015, s. 9.