

**THE JHARKHAND ADVOCATES' WELFARE FUND ACT, 2012**  
**(JHARKHAND ACT, 02, 2013)**

[4<sup>th</sup> February 2013]

An Act to provide for the constitution of a welfare fund for the benefit of advocates in the State of Jharkhand for death, permanent disablement, retirement, illness etc and for matters connected therewith or incidental thereto.

Be it enacted by the State Legislature of Jharkhand in the Sixty-third Year of Republic of India as follows:-

**CHAPTER I**  
**PRELIMINARY**

**1. Short title, extent and commencement-**

- (1) This Act may be called the Jharkhand Advocates' Welfare Fund Act, 2012.
- (2) It extends to the State of Jharkhand.
- (3) It shall come into force with immediate effect.
- (4) It shall not apply to persons who have retired from service **or profession** and have been paid or are entitled payment of retirement benefits from his employer or **from Trustee Committee**.

**2. Definitions:-**

1. In this Act, unless the context otherwise requires:

- (a) "advocate" means an advocate whose name has been entered in the State roll prepared and maintained by the State Bar Council under Section 17 of the Advocates Act, 1961 (25 of 1961) and who is a member of the Bar Association or Advocate Association of the State;
- (b) "Advocate Association" means an association of advocates in Jharkhand recognized by the Jharkhand State Bar Council under Section 14;
- (c) "Bar Association" means an association of advocates recognized by the Jharkhand State Bar Council under Section 14;
- (d) "Bar Council" means the Jharkhand State Bar Council constituted under section 3 of the Advocates' Act 1961 (25 of 1961);
- (e) "cessation of practice" means removal of the name of an advocate from the State roll prepared under section 26A of the Advocates' Act, 1961 (25 of 1961);

- (f) "Chairperson" means the Chairperson of the Trustee Committee referred to in clause (a) of Sub-Section (4) of Section 4;
- (g) "Chartered Accountant" means a chartered accountant as defined in clause (b) of sub-section (1) of Section 2 of the Chartered Accountants Act, 1949 (38 of 1949) and who has obtained a certificate of practice under sub-section (1) of Section 6 of that Act.
- (h) "Court" includes any Tribunal or Authority before whom an advocate is by or under any law for the time being in force entitled to practice;
- (i) "Dependants" means the spouse, parents, or minor children including illegitimate children of a member of the Fund;
- (j) "Fund" means the Advocates' Welfare Fund constituted under sub-section (1) of Section 3;
- (k) "Insurer" shall have the meaning assigned to it in clause (9) of Section 2 of the Insurance Act, 1938(4 of 1938);
- (l) "Member of the Fund" means an advocate admitted to the benefits of the Fund and who continues to be a member thereof under the provisions of this Act;
- (m) "Notification" means a notification published in the Official Gazette of the State Government.
- (n) "Prescribed" means prescribed by rules made under this Act.
- (o) "retirement" means stoppage of practice as an advocate communicated to and recorded by the Bar Council;
- (p) "Schedule" means Schedules to this Act;
- (q) "Schedule bank" shall have the meaning assigned to it in clause (e) of Section 2 of the Reserve Bank of India Act, 1934 (2 of 1934);
- (r) "Stamp" means the Advocates Welfare Fund Stamp printed and distributed under section 24;
- (s) "State" means the State Government of Jharkhand;
- (t) "Suspension of practice" means voluntary suspension of practice as an advocate or suspension of an advocate by the Bar Council of Jharkhand for misconduct.
- (u) "Trustee Committee" means the Advocates' Welfare Fund Trustee Committee established under sub-section (1) of Section 4;
- (v) "Vakalatnama" includes memorandum of appearance of any other document by which an advocate is empowered to appear or plead before any court, tribunal or other authority;

2. Words and expressions used and not defined in this Act but defined in the Advocates' Act, 1961 (25 of 1961), shall have the meanings respectively assigned to them in that Act.

## **Chapter II**

### **CONSTITUTION OF ADVOCATES' WELFARE FUND**

#### **3. Advocates' Welfare Fund:-**

- (1) The State Government shall constitute a fund to be called the "Advocates' Welfare Fund"
- (2) There shall be credited to the Fund:-
  - a. all amounts paid by State Bar Council under Section 13;
  - b. any other contribution made by the State Bar Council;
  - c. any voluntary donation or contribution made to the Fund by the Bar Council of India, any Bar Association or Advocates Association of the State or other association or institution, or any advocate or other person;
  - d. any grant which may be made by the Central Government or the State Government to the Fund;
  - e. any sums borrowed under section 10;
  - f. all sums collected under section 16;
  - g. all sums received from the Life Insurance Corporation of India or any other insurer on the death of any member of the Fund under any Group Insurance Policy.
  - h. any profit or dividend or refund , received from the Life Insurance Corporation of India or any other insurer 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 out of any part of the Fund;
  - j. all sums collected by way of sale of stamps under section 24.
  - k. all sums collected under Section 16 by way of application fee and annual subscription and interest thereon.
- (3) The sums specified in sub -Section (2) shall be paid to, or collected by, such agencies, at such intervals and in such manner, as may be prescribed.
- (4) The Law Department of the State Government shall be the Administrative Department in respect of the Jharkhand Advocates'

Welfare Fund and shall have powers to give instructions from time to time.

### CHAPTER III

#### ESTABLISHMENT OF TRUSTEE COMMITTEE

#### 4. Establishment of Trustee Committee

1. The State Government may, by notification in the Official Gazette shall establish, with effect from such date as may be prescribed therein, a Trustee Committee to be called 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 shall, by the said name, sue and be sued.
3. The Trustee Committee shall have its head quarters at Ranchi or in any other place as may be notified.
4. The Trustee Committee shall consist of:-
  - a. the Advocate-General of the State who shall be the Chairperson, ex-officio;
  - b. The Secretary to State Government in its Law Department or Ministry, Member, ex-officio
  - c. The Chairman of the State Bar Council, Member, ex-officio
  - d. A Member nominated by Govt. of, Jharkhand.
  - e. **Two Members of the Bar Council to be nominated by the State Bar Council, Member.**
  - f. **The Secretary of the Welfare Trustee Committee, Secretary, Ex-officio**
5. Every Member of the Trustee Committee nominated under clause (d) or clause (e) of sub-section (4) shall hold office for a period not exceeding five years from the date on which he enters upon his office.  
**Provided that members nominated under clause (e) may continue to hold office exceeding five years till his successor is nominated by next duly constituted State Bar Council.**

#### 5. Disqualifications and removal of Chairperson or member of Trustee Committee:-

- (1) The State Government shall remove from office the Chairperson or any Member of the Trustee Committee, who

- (a) is, or at any time has been, adjudged as an insolvent; or
- (b) has become physically or mentally incapable of acting as the Chairperson or a Member of the Trustee Committee.
- (c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or a Member of the Trustee Committee; or
- (e) has so abused his position as to render his continuation in office detrimental to the public interest; or
- (f) is, or at any time has been, absent without leave of the Trustee Committee for more than three consecutive meetings of the Trustee Committee.

Provided that the Trustee Committee may, on sufficient ground, condone the absence of such Chairperson or Member.

- (2) No such Chairperson or Member of the Trustee Committee shall be removed under clause (d) or clause (e) of Sub-Section (1) unless he has been given a reasonable opportunity of being heard.

**6. Resignation by nominated Chairperson and Members of Trustee Committee and filling up of casual vacancy:-**

- (1) The Chairperson referred to in sub-section (4) of Section 4 or a Member nominated under clause (d) of Sub-Section (4) of that Section may resign his office by giving three months notice in writing to the State Government and on such resignation being accepted by the State Government such Chairperson or member shall vacate his office.
- (2) A Member nominated under clause (e) of Sub-Section (4) of Section 4 may resign his office by giving three months notice in writing to the State Bar Council and on such resignation being accepted by the State Bar Council such Member shall vacate his office.
- (3) A casual vacancy in the office of the Chairperson or a Member referred to in sub-section (1) who has resigned may be filled up within six months by the State Government and the Chairperson or a Member so nominated shall hold office only so long as the

Chairperson or the Member in whose place he is nominated would have been entitled to hold office if the vacancy did not occur.

- (4) A casual vacancy in the office of a Member referred to in sub-section (2) who has resigned may be filled up, within six months, by the State Bar Council and a member so nominated shall hold office only so long as the Member in whose place he is nominated would have been entitled to hold office if the vacancy did not occur.

**7. Vacancies, etc. not to invalidate proceedings of Trustee Committee:-**

No act or proceeding of the Trustee Committee shall be invalid merely by reason of:-

- (a) any vacancy in, or any defect in the constitution of, the Trustee Committee or.
- (b) any defect or irregularity in the nomination of a person acting as the Chairpersons or a Member of the Trustee Committee; or
- (c) any irregularity in the procedure of the Trustee Committee 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) Subject to the provisions of this Act and any other law for the time being in force, the Trustee Committee shall administer the Fund.
- (2) Without prejudice to the generality of the provisions contained in Sub-Section (1), the Trustee Committee shall
  - (a) hold the amounts and assets belonging to the Fund in trust;
  - (b) receive applications for admission or re-admission as members 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, conduct such enquiry as it deems necessary and dispose of the applications within three months from the date of receipt thereof.

- (d) record in the minute's book of the Trustee Committee, its decisions on the applications;
- (e) Subject to the availability of the amount in the Fund pay the members of the Fund or their nominees or legal heirs, as the case may be, the amounts at the rates specified in Schedule-1;
- (f) Send such periodical and annual reports as may be prescribed to the State Government and the State Bar Council;
- (g) communicate to the applicants, by registered post with acknowledgement due or through electronic mode, the decisions of the Trustee Committee in respect of applications for admission or re-admission as members to the Fund or claims to the benefit of the Fund;
- (h) do such other acts are or may be required to be done under this Act and the rules made thereunder.
- (i) Frame and implement all such welfare schemes **or amend its Schedule 1** which it may deem proper in the larger interest of the members and on availability of sufficient fund after approval of the State Bar Council and review its all welfare schemes for requisite enhancement at least once in each five years.

**10. Borrowing and investment:-**

- (1) The Trustee Committee may with the prior approval of the State Government and the State 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 monies and receipts forming part of the Fund in any scheduled bank or invest the same in debt instruments of any corporation owned or controlled by the State Government or in loan floated by the State Government or in any other manner as the State 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.

**11. Accounts and audit:-**

- (1) The Trustee Committee shall maintain proper accounts and other relevant records and prepare an annual statement of accounts and annual report in such form and in such manner as may be prescribed.
- (2) The accounts of the Trustee Committee shall be audited annually by a chartered accountant appointed by the State Bar Council.
- (3) The accounts of the Trustee Committee as audited by the chartered accountant together with his audit report shall be forwarded to the State Bar Council by that Committee and the State Bar Council may issue such directions, as it deem fit, to the Trustee Committee in respect thereof.
- (4) The Trustee Committee shall comply with the directions issued by the State Bar Council under sub-Section (3)
- (5) The Trustee Committee shall pay from the Fund the Charges for the audit as may be fixed by the State Bar Council.

**12. 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 Trustee Committee;
- (c) authenticate by his signature all decisions and instruments of the Trustee Committee.
- (d) operate bank account of the Trustee Committee jointly with the chairpersons;
- (e) convene meetings of the Trustee Committee and prepare minutes of such meetings;
- (f) attend 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) prepare an annual statement of business transacted by the Trustee Committee during a financial year.



(i) do such other acts as are or may be directed by the Trustee Committee and the State Bar Council.

**13. Payment of certain monies to Fund by the State Bar Council;-**

The State Bar Council shall pay to the Fund annually an amount equal to twenty percent of the enrollment fee received by its under clause (f) of Section 24 of the Advocates Act, 1961 (25 of 1961).

**CHAPTER IV**

**RECOGNITION OF ANY ASSOCIATION OF ADVOCATES**

14. Recognition by the State Bar Council of any association of advocates:-

(1) Any association of advocates known by any name which is registered as an association before the date of commencement of this Act may, (before the date to be notified by the State Bar Council in this behalf), apply for recognition to the State Bar Council in such form as may be prescribed.

(2) Any association of advocates known by any name which is registered as an association on or after the date of commencement of this Act may within three months from the date of its registration as an association, apply for recognition to the State Bar Council in such form as may be prescribed.

(3) Every application for recognition under this sub-section (1) or sub-section(2) shall be accompanied by

(a) a copy of the rules or bye-laws of the association .

(b) names and addresses of office bearers of the association,

(c) a list of members of the association containing the name, address, age, enrollment number and date of enrollment with the state Bar Council and the ordinary place of practice of each member.

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

(5) The decision of the State Bar Council on any matter regarding recognition of an association under sub-section (4) shall be final.

**Explanation: in this section, registered means recognized/affiliated by the State Bar Council.**

15. Duties of Bar Associations and Advocate's Associations of the States:-

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

(2) Every Bar Association and Advocates' Association in the State shall inform the State Bar Council of:

(a) any change in the membership including admissions and re-admissions within thirty days of such change;

(b) the death or other cessation of practice or voluntary suspensions of practice of any of its members within thirty days from the date of occurrence thereof;

(c) such other matters as may be required by the State Bar Council from time to time.

## CHAPTER V

### MEMBERSHIPS AND PAYMENT OUT OF ADVOCATES' WELFARE FUND

16. Membership in Fund:-

(1) Every advocate practicing, before the commencement of this Act, in any court, tribunal or other authority in the State and being a member of a Bar Association or an Advocates' Association in the State shall apply, to the Trustee Committee for admission as a Member of the Fund, in such form as may be prescribed.

(2) Every person:-

(a) admitted as an advocate, on the roll of the State Bar Council, after the commencement of this Act.

(b) Practicing in any court, tribunal or other authority in the State and being a member of a Bar Association or an Advocates' Association in the State shall apply to the Trustee Committee for admission as a member of the Fund in such form as may be prescribed.

(3) on receipt of an application under sub-section (1) or sub-section (2), 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.

(4) Every applicant shall pay an application fee of five hundred rupees along with the application to the account of the Trustee Committee and shall thereafter pay a sum of Rs 200/- per year toward contribution of his membership.

(5) **Every advocate, being a member of the Fund, may pay his life subscription of Two thousand five hundred.**

- (6) Any member of the Fund, who fails to pay the annual subscription for any year before the 31<sup>st</sup> day of March of that year, shall be liable to be removed from the membership in the Fund.
- (7). A member of the Fund removed from the Membership in the Fund under sub-section (6) may be re-admitted to the Fund, on payment of arrears along with re-admission fee of one hundred rupees, within six months from the date of such removal.
- (8). Every member of the Fund shall, at the time of admission to the membership in the Fund, make nomination conferring on one or more of his dependants the right to receive, in the event of his death, any amount payable to the member under this Act.
- (9) If a member of the Fund nominates more than one person under sub-section (8), he shall specify in the nomination, the amount or share payable to each of the nominees.
- (10) A member of the Fund may, at any time, cancel a nomination by sending a notice in writing to the Trustee Committee.
- (11) Every member of the Fund, who cancels his nomination under sub-section 10 shall make a fresh nomination along with registration fee of one hundred rupees.
- (12) Every member of the Fund, whose name has been removed from the State roll under Section 26 A of the Advocates ac 1961 (25 of 1961) or who voluntarily suspend practice, shall within fifteen days of such removal or suspension, intimate such removal or suspension to the Trustee Committee and if any member of the Fund fails to do so without sufficient reason, the Trustee Committee may reduce, in accordance with such principles as may be prescribed, the amount payable to that member under this Act.
- (13) Every applicant desires to be the member of the fund shall pay a lump sum of Rupees **two thousand five hundred** as life membership fee

#### **17. Exgratia grant to a member of Fund:-**

The Trustee Committee on an application made to it by a member of the Fund , and after being satisfied about the genuineness of the claim, may allow ex-gratia grant to such member from the Fund involving major surgical operation or he is suffering from tuberculosis, leprosy, paralysis, cancer, or from such other serious disease or disability; provided that such payment shall not exceed fifty thousand rupees and shall be subject to the availability of money in the Fund.

## **18. Review:-**

The Trustee Committee may, on its own motion or on an application received from any person interested, within ninety days of the passing of any order by it under the provisions of this Act, review such order. If it was passed under any mistake, whether of fact or of law or in ignorance of any material fact.

Provided that the Trustee Committee shall not pass any order under this section adversely affecting any person unless such person has been given an opportunity of being heard.

## **19. Payment of amount on cessation of practice:-**

(1) Every advocate who has been a member of the Fund shall, on his cessation of practice, be paid an amount at the rate specified in Schedule-1

Provided that where the Trustee Committee is satisfied that a member of the Fund ceases to practice within a period of five years from the date of his admission as a member of such Fund as a result of any permanent disability, the Trustee Committee may pay to such member an amount at the rate specified in Schedule 1

(2) For calculating the period of completed years of practice for the purpose of payment from the fund under this act, every four years of practice at the Bar, if any, before the admission of a member to the Fund shall be computed as one year of practice and added on to the number of years of practice after such admission.

(3) 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.

## **20. Restriction on alienation, attachment, etc of interest of member in Fund:-**

(1) The interest of any member in the Fund, or the right of a member of the Fund or his nominee or legal heir to receive any amount from the Fund, shall not 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 of the Fund or his nominee or legal heir.

Explanation:- for the purposes 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.

## **21. Group Life Insurance for members of Fund and other benefits:-**

The Trustee Committee may, for the welfare of the members of the Fund.

- (a) Obtain, from the Life Insurance Co-operation of India or any other insurer, policies of Group Insurance on the life of 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 for purchase and their dependants; or
- (c) Provide monies to the members of the Fund for purchase of books; or
- (d) Provide monies to construct or maintain common facilities for the members of the Fund.

Provided that the Trustee Committee shall spend ten percent of the total annual subscription received under sub-section (5) of Section 16 on the construction or maintenance of common facilities for the member of the Fund practicing in the subordinate courts, or

- (e) Provide fund for any other purpose which the Trustee Committee may specify ; or
- (f) Provide for such other benefits as may be prescribed.

## **22. Appeal against decision or order of Trustee Committee.**

- (1). An appeal against any decision or order of the Trustee Committee shall lie to the State Bar Council.
- (2). The appeal shall be in the prescribed form and shall be accompanied by
  - (a). a copy of the decision or order appealed against;
  - (b). a receipt evidencing payment of one hundred rupees to the credit of the account of the State Bar Council.
- (3). The appeal shall be filed within thirty days from the date of receipt of the decision or order appealed against.
- (4). The decision of the State Bar Council on such appeal shall be final.

## **CHAPTER VI**

### **PRINTING, DISTRIBUTION AND CANCELLATION OF STAMPS**

23. Printing **or to set up Franking Machines to ensure the availability of Advocates Welfare Stamps** and distribution of Advocates' Welfare Fund Stamps by State Bar Council.

- (1) The State Government shall, on a request made by the State Bar Council in this behalf , shall cause to be printed and distributed **Advocates' Welfare Fund Stamps of the value of fifteen rupees or such other value**, which may be prescribed, inscribing therein the Bar Council Emblem and its value inscribed therein.

- (2) Every stamp referred to in sub-section (1) shall be of the size 1 inch x 2 inch.
- (3) The custody of the stamps shall be with the State Government.
- (4) The State Government shall control the distribution and sale of the stamps through the stamp vendors appointed for the sale of court fees stamps.
- (5) The State Government shall keep proper accounts of the stamps in such form and manner as may be prescribed and the sale proceeds of such stamp shall be transferred to the fund after deduction of commission charges and the cost incurred by the state government on the printing of these stamps on closing of every financial year along with statement showing details of number of welfare stamps printed and sold during last financial year and the commissions paid and amount credited to the fund to be furnished before Trustee Committee.
- (6) The system of printing of the welfare stamps should be gradually replaced by Franking Machines over a period of two years.

**24. Vakalatnama and Affidavits to bear stamps:-**

1. Every advocate shall affix **above referred Welfare Stamps( or through franking machine )** of a value of fifteen rupees on every **Vakalatnama and affidavits.**

**Explanation:- Affidavits means any and every affidavit including affidavits made by Notary or for the purpose of filing in any Court, Tribunal or any other authority or High Court.**

2. The value of the stamp shall neither be cost in a case nor be collected in any event from the client.
3. Any contravention of the provisions of sub-section (1) or sub-section (2) by any advocate shall disentitle him either in whole or in part to the benefits of the Fund and the Trustee Committee shall report such contravention to the State Bar Council for appropriate action.
4. Every stamp affixed on every vakalatnama filed before any court or a tribunal or other authority or the High Court shall be canceled in such manner as may be prescribed.
5. No vakalatnama or affidavit shall be valid or filed before or received by any court , tribunal or other authority unless it has the welfare stamps as mentioned in sub-section(1) above.

**Chapter VII**

**MISCELLANEOUS**

**25. Protection of action taken in good faith ;**

No suit prosecution or other legal proceedings shall lie against the Trustee Committee or the Trustee Committee or the Chairperson or a Member or the Secretary of the Trustee Committee or the State Bar Council or any person or anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

**26. Bar of jurisdiction of civil court:-**

No civil court shall have jurisdiction to settle , decided 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 State Bar Council or the Administrative Department.

**27. Power to summon witnesses and take evidence:-**

The Trustee Committee and the State Bar Council shall, for the purpose 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 (5 of 1908), in respect of the following matters, 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.
- (d). issuing commissions for the examination of witnesses;
- (e). any other matter which may be prescribed.

**28. Power to amend Schedules:-**

The Trustee Committee may after approval of the Bar Council may, by notification, and having due regard to the availability of the amount in the Fund, amend the rates specified in Schedule –1 or may notify any other welfare schemes prepared under section(9)(2)(i).

**29. Power of the State Government to issue directions:-**

(1) without prejudice to the generality of the foregoing provisions of this Act, the Trustee Committee shall, in exercise of the powers or the performance of its functions under this Act, be bound by such directions on question of policy, other than those relating to professional and administrative matters, as the State Government may give in writing to it from time to time.

Provided that the Trustee Committee shall, as far as practicable, be given an opportunity to express its view before any direction is given under this sub-section;

(2) The decision of the State Government, whether a question is one of policy or not, shall be final.

### **30. Power to State Government to supersede Trustee Committee:-**

(1) If at any time the State Government is of the opinion

(a) that, on account of circumstances beyond the control of the Trustee Committee, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b). that the Trustee Committee has persistently defaulted in complying with any direction given by the State Government under this Act or in the discharge of the functions or performance of the duties imposed on it or under the provisions of this Act; or

(c) that circumstances exist which render it necessary in the public interest so to do, the State Government may, by notification and for reasons to be specified therein, supersede the Trustee Committee for such period, not exceeding six months , as may be specified in the notification and appoint, in consultation with the Chief Justice of the High Court, a judge of the High Court to be the controller of the Trustee Committee:-

Provided that before issuing any such notification, the State Government shall give a reasonable opportunity to the Trustee Committee to make representations against the proposed suppression and shall consider the representations, if any, of the Trustee Committee.

(2) Upon the publication of a notification under sub-section (1) superseding the Trustee Committee,

(a) the Chairperson, Members and the Secretary of the Trustee Committee shall, as from the date of suppression, vacate their offices as such;

(b). all powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Trustee Committee shall, until the Trustee Committee is reconstituted under sub-section (3), be exercised and discharged by the controller of the Trustee Committee; an



(c) all properties and fund owned or controlled the by the Trustee Committee shall, until the Trustee Committee is reconstituted under sub-section (3) vest in the State Government.

(3) On or before the expiration of the period of suppression specified in the notification issued under sub-section (1), the State Government shall reconstitute the Trustee Committee by a fresh appointment of its Chairperson, Members and Secretary of such committee and in such case a person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.

(4). The State Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before the State Legislature, at the earliest.

### **31. Power of the State Government to make rules:-**

(1) The State Government without prejudice to the generality of the foregoing power may , by notification , make rules for carrying out the provisions of this Act not inconsistent with the rules, if any, made by the Central Government.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely.

(a) the periodical and annual reports to be sent under clause (h) of Section 12;

(b) the form and the manner in which the annual statement of accounts and annual report shall be prepared under clause (h) of Section 12;

(c) the forms, registers and other records to be maintained under clause (g) of Section 12;

(d) the form in which an association of advocates may apply for recognition to the State Bar Council under sub-section (1) or sub section (2) of Section 14;

(e). the form in which a certificate of recognition shall be issued by the State Bar Council under sub-section (4) of Section 14;

(f) the form in which an advocate shall apply for admission as a member of the Fund under sub-section (1) or sub-section (2) of Section 16;

(g) the principles in accordance with which the amount payable to a member of the Fund be reduced under sub-section (12) of Section 16;

(h) the manner of providing medical and educational facilities for the members of the Fund and their dependants under clause (b) of Section 21;

(i) the other benefits to be provided under clause (f) of Section 21;

- (j) the form of appeal under sub-section (2) of Section 22.
- (k) the value and design of stamps to be printed and distributed under sub-section (1) of Section 23;
- (l) the form and the manner in which accounts of the stamps shall be kept under sub-section (1) of Section 23;
- (m) the value of stamps to be affixed on every vakalatnama under sub-section (1) of Section 24;
- (n) the manner of cancellation of stamps under sub-section (4) of Section 24;
- (p) any other matter which is to be, or may be, prescribed.

**32. Rules and Notifications to be laid before State Legislature:-**

(1) Every rule made under this Act by the State Government and every notification issued under Section 30 shall be laid, as soon as may be after it is made, before the State Legislature.

**33. Saving;**

All acts done in pursuance with the provisions of the Bihar State Advocates' Welfare Fund Act, 1983 (16 of 1983) and its amendments therein, in good faith, since coming into existence of the State of Jharkhand and immediately before coming into force of this Act, shall not be invalidated by reasons of the fact that this Act was not in force at that material point of time.

Schedule-I  
(See section 9,10 & 17(I))

| Completed years as Member of Trustee Committee | Benefit (in rupees) in case of Death | Benefit on voluntary retirement (in rupees) |
|--|--------------------------------------|---|
| 1  | 2                                    | 3   |
| 1 year   | 2,60,000/-                           | -   |
| 2 years  | 2,60,000/-                           | -   |
| 3 years  | 2,60,000/-                           | -   |
| 4 years  | 2,60,000/-                           | -   |
| 5 years  | 2,60,000/-                           | -   |
| 6 years  | 2,65,000/-                           | 11,000/-                                    |
| 7 years  | 2,70,000/-                           | 12,000/-                                    |
| 8 years  | 2,80,000/-                           | 13,000/-                                    |
| 9 years  | 2,90,000/-                           | 14,000/-                                    |
| 10 years                                       | 3,00,000/-                           | 15,000/-                                    |
| 11 years                                       | 3,10,000/-                           | 18,000/-                                    |
| 12 years                                       | 3,20,000/-                           | 21,000/-                                    |

|          |            |            |
|----------|------------|------------|
| 13 years | 3,30,000/- | 24,000/-   |
| 14 years | 3,40,000/- | 27,000/-   |
| 15 years | 3,50,000/- | 30,000/-   |
| 16 years | 3,60,000/- | 35,000/-   |
| 17 years | 3,70,000/- | 40,000/-   |
| 18 years | 3,80,000/- | 45,000/-   |
| 19 years | 3,90,000/- | 50,000/-   |
| 20 years | 4,00,000/- | 55,000/-   |
| 21 years | 4,10,000/- | 62,000/-   |
| 22 years | 4,20,000/- | 69,000/-   |
| 23 years | 4,30,000/- | 76,000/-   |
| 24 years | 4,40,000/- | 83,000/-   |
| 25 years | 4,50,000/- | 90,000/-   |
| 26 years | 4,60,000/- | 1,00,000/- |
| 27 years | 4,70,000/- | 1,10,000/- |
| 28 years | 4,80,000/- | 1,20,000/- |
| 29 years | 4,90,000/- | 1,30,000/- |
| 30 years | 5,00,000/- | 2,00,000/- |
| 31 years | 5,10,000/- | 2,10,000/- |
| 32 years | 5,20,000/- | 2,20,000/- |
| 33 years | 5,30,000/- | 2,30,000/- |
| 34 years | 5,40,000/- | 2,40,000/- |
| 35 years | 5,50,000/- | 2,50,000/- |
| 36 years | 5,60,000/- | 2,60,000/- |
| 37 years | 5,70,000/- | 2,70,000/- |
| 38 years | 5,80,000/- | 2,80,000/- |
| 39 years | 5,90,000/- | 2,90,000/- |
| 40 years | 6,00,000/- | 3,00,000/- |
| 41 years | 6,10,000/- | 3,15,000/- |
| 42 years | 6,20,000/- | 3,30,000/- |
| 43 years | 6,30,000/- | 3,45,000/- |
| 44 years | 6,40,000/- | 3,60,000/- |
| 45 years | 6,50,000/- | 3,75,000/- |
| 46 years | 6,60,000/- | 3,90,000/- |
| 47 years | 6,70,000/- | 4,05,000/- |

|                  |            |            |
|------------------|------------|------------|
| 48 years         | 6,80,000/- | 4,20,000/- |
| 49 years         | 6,90,000/- | 4,35,000/- |
| 50 years & above | 7,00,000/- | 4,50,000/- |

Statement of financial implications regarding this enactment there will be no financial burden to the State Exchequer due to this enactment save and except its publication cost.

Authorised signatory