

Rules for Constitution of a Fund for Giving Financial Assistance to Indigent or Disabled Advocates (1966)

RAJASTHAN

India

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Rules for Constitution of a Fund for Giving Financial Assistance to Indigent or Disabled Advocates (1966) Published vide Notification No. R.B.C./Rules/66, dated 12.5.1966, Published in Rajasthan Gazette Part 4-C, Extraordinary dated 16.6.1966 Constitution of a Fund For Giving Financial Assistance to Indigent or Disabled Advocates Under Section 15(2)(B) Read With Section 6(2) of The Advocates Act, 1961

1.

(a) An 'annual income' means the income derived by the Bar Council on account of Enrolment Fee after deducting the share of the Bar Council of India under section 46 of the Advocates Act, 1961. (b) An 'applicant' means an advocate applying to the Council for Financial assistance under these Rules. (c) The 'fund' means a fund constituted by the Bar Council for giving Financial assistance to indigent or disabled advocates under Section 6 (2), of the Act and shall include all accretions either by way of contributions, donations or otherwise made to the fund.

2.

The Council shall set apart at the end of each financial year 10% of its annual income: Provided that at the end of any particular financial year, the Bar Council may decide not to set apart or to set apart a lesser percentage of its annual income as it may deem fit and proper in view of the amount already accumulated in the said fund at the end of any financial year. The fund shall be administered by the Executive Committee.

3.

(a) The Council may give financial assistance from the fund to an indigent and disabled advocate. (b) The person desirous of obtaining financial assistance shall make an application in the

prescribed form provided that the Bar Council may give financial assistance as it may deem fit suo moto or on the information received from any other source.(c)On receipt of an application otherwise the Executive Committee itself or a sub-committee thereof shall enquire whether the applicant deserves financial assistance and the extent thereof. It shall also be competent for it to constitute a local committee consisting of the President or the Secretary of a Bar Association and two advocates practising at the place where the applicant ordinarily resides or practises.(d)The enquiring authority shall be competent to examine the applicant or any other person and to call for any record in the possession of any Bar Council or any Bar Association. The information received shall be treated as confidential.(e)If an advocate makes any statement or furnishes any information which is proved to be false to his knowledge, it shall amount to professional misconduct.(f)If the Executive Committee acting on a report of enquiry gives financial assistance, and subsequently it is found that the evidence adduced by the applicant was false in material particulars, the Executive Committee may call upon the applicant to refund the entire amount given as assistance with such interest as it deem fit and the applicant shall comply with the said direction.

4.

The Council shall maintain a separate account in respect of the said fund which shall be subject to audit annually along with the other accounts of the Council. The amounts belonging to fund shall be entered in a separate account and may be invested in any manner provided by the rules of the Council. The Executive Committee shall not ordinarily grant assistance exceeding Rs. 1000/- (Rupees One thousand) in any financial year to any applicant. In case the assistance consists of monthly contributions, it shall be open to the Committee to reduce or enhance the contribution according to circumstances, and no contribution shall be made in case the applicant ceases to be indigent or if the disability ceases.The Bar Council of RajasthanApplication for Obtaining Financial Assistance[Rule 3(b)]

1. Name of the applicant and No. of Roll.

2. Father's name.

3. Permanent Address.

4. Place of Practice Address.

5. Reasons on account of which financial assistance is sought.

6. Number of dependents showing relationship, age, whether receiving school/college education, etc. Give details.

7. Is there any other earning member in the family? If answer is 'Yes' give particulars about the income and dependents upon him.

8. Particulars of assets with Valuation including applicant's share in joint properties.

9. Any other particulars.

I hereby declare that if the information or the evidence are false in material particulars I undertake to refund the entire amount given as financial assistance with such interest as may be prescribed by the Executive Committee of the Bar Council of Rajasthan. Place: Date : Signature of the Applicant.