

The Bihar State Advocates Welfare Fund Rules, 1984

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Rule

THE-BIHAR-STATE-ADVOCATES-WELFARE-FUND-RULES-1984 of 1984

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The Bihar State Advocates Welfare Fund Rules, 1984Published vide Notification No. 427, dated 28th September, 1984No. 427, dated 28th September, 1984. - In exercise of the power conferred upon him under section 27 of the Bihar State Advocates' Welfare Fund Act, 1983, the Governor of Bihar is pleased to frame the following Rules to be known as The Bihar Advocates' Welfare Fund Rules, 1984 and direct that the same be published in the Bihar Gazette (Extraordinary):-

1. Short title.

- These Rules may be called "The Bihar Advocates' Welfare Fund Rules, 1984".

2. Definitions.

- In these Rules, unless the context otherwise requires-(a)"Act" means the Bihar Advocates' Welfare Fund Act, 1983;(b)"Form" means a form appended to these rules;(c)"Permanent disablement" means such disablement which incapacitates a person to continue his practice as an Advocate;(d)"Practice" means carrying on the profession of Advocate;(e)"Standing" means practice at the Bar.

3. Application for recognition and registration of Bar Association.

(1)An application under section 14 of the Act by any Association of Advocates functioning in any court centre, to the Bar Council for recognition shall be in Form No. 1.(2)Every application in Form No.1 shall be accompanied by an authenticated copy of the Rules and/or by-laws of the Association, an up-to-date list of the members of the Association, showing their names, address, age, date of birth, date of enrolment, the roll number in the State roll maintained by the Bar Council under

Section 17 of the Advocates' Act, 1961 (Central Act 25 of 1961), the place where the member ordinarily practices, the period of suspension, if any, and such application shall be duly signed by the President and Secretary of the Association.(3)The certificate of Registration to be issued by the Bar Council shall be in Form No. II.(4)The Bar Council may recognise and register more than one Bar Association at a Court centre for very exceptional and special reasons to be recorded in writing.

4. Application for membership.

(1)Every application under Section 16 of the Act for admission as a member of the Advocates' Welfare Fund shall be in Form No. III signed by the applicant and attested by the President and Secretary of the Bar Association of which he is a member.(2)An advocate having membership in more than one Bar Association shall be eligible to apply to be admitted as a member of the said Fund only from one of such Association.(3)An advocate applying for membership of the Fund shall pay a sum of Rs. 50 towards the first instalment of the application fee alongwith the application and the remaining amount of Rs. 150 shall be paid in three equal instalments within a period of one year from the date of application:Provided that an applicant may, if he so chooses, remit the entire application fee alongwith the application.(4)Payment of the application fee shall be by means of crossed Demand Draft drawn in favour of the Trustee Committee.(5)On admission of a member to the fund the Trustee Committee shall issue a certificate in Form No. IV.(6)The Trustee Committee shall prepare and maintain a register of member in Form No. V.(7)Any decision of the Trustee Committee rejecting an application for admission shall be communicated to the applicant by registered post with acknowledgement due.(8)The Trustee Committee shall remove any member from the membership of the Fund if he fails to remit the annual subscription before the 30th June of that year:Provided that no such order removing the name of a member from the membership of the Fund shall be passed without giving an opportunity of his being heard.

5. Re-admission to the Fund.

(1)A person re-admitted to the Fund under sub-section (3) of section 17 of the Act shall be treated as a new member from the date of re-admission for all purposes of the Act.(2)For calculating the period of completed years of standing of a member referred to in sub-rule (1), for the purpose of payment under the Act, his standing in the Bar prior to his re-admission shall not be taken into account.(3)An application for re-admission shall be in Form No. VI.

6. Printing and distribution of stamps.

(1)The stamps shall be printed in such number and at such press as may be decided by the State Government.(2)The State Government shall be the custodian of the stamps and it shall maintain the following records and registers:-I. Register showing the order placed for the printing of stamps.II. Register showing the stock of stamps with the following:- (a)Serial Number (b)Date (c)Opening Stock (d)Receipt (e)Issue (f)BalanceIII. Ledger.IV. Cash Book.V. Receipt Book with inner foil andVI. Such other registers and records as may be directed by the State Government on the recommendation of the Trustee Committee, from time to time.(3)Sale of stamps shall be made by the State Government through the agency as provided in Section 22(4) of the Act.(4)The Advocate

General and Law Secretary, Government of Bihar who are members of the Trustee Committee, shall be entitled to inspect the above registers, books and connected papers.(5)The Trustee Committee may take such steps as it thinks fit and propose to prevent or check spurious printing or sale of stamps.

7. Collection of Amounts due to the Fund.

(1)The Bar Council shall transfer to the Fund 25 percent of the enrolment fee collected during a financial year and the State Government shall transfer the sale proceeds of the stamps after the payment of commission to the account of the Fund as provided in Section 13 and Section 22(5) of the Act respectively.(2)The Chairman and Secretary-cum-Treasurer of the Trustee Committee shall also manage to collect all funds specified in sub-section (2) of Section 3 of the Act and deposit the same in the Fund Account forthwith.The Chairman and the Secretary-cum-Treasurer of the Trustee Committee will operate the Bank Accounts jointly but in absence of either Chairman or Secretary-cum-Treasurer of the Trustee Committee the operation of the Bank Accounts shall be done by any other member or members as authorised by Trustee Committee from time to time.(3)A separate accounts shall be maintained for the receipts under each of clauses (a) to (j) of sub-section (2) of Section 3 of the Act.

8. Function of Trustee Committee.

(1)The Trustee Committee may receive application for payment out of the Fund from any member or his nominees or his legal representatives, as the case may be, in Form No. VII.(2)All disbursements of amounts payable under section 17 of the Act shall be by account payee cheques signed by the Chairman or the Treasurer.(3)The Trustee Committee shall send to the Bar Council and Government quarterly or annual reports showing the receipts to the disbursements from the Fund and other particulars and on such other occasions as may be required by the Bar Council or the Trustee Committee.(4)All decisions of the Trustee Committee rejecting any claim to the benefit of the Fund shall be communicated to the applicant by registered post with acknowledgement due.

9. Notice, quorum, etc. of meeting of the Trustee Committee.

(1)Ten clear days' notice shall be given for a meeting of the Trustee Committee.(2)The quorum for a meeting of the Trustee Committee shall be three.(3)The meetings of the Trustee Committee shall be ordinarily held at the office of the Bar Council or any other place decided by Chairman of the Trustee Committee.(4)The meetings of the Trustee Committee shall be presided over by its Chairman and in his absence by its Chairman and in his absence by a member chosen by the members present at the meeting.

10. Removal from membership.

- The Trustee Committee may, if satisfied that any person has got himself admitted to the membership of the fund by misrepresentation or suppression of any material fact or by fraud,

remove the name of such person from the membership of the Fund after affording him an opportunity of being heard. On such removal, all benefits accrued to such member by virtue of the provisions of the Act and these Rules shall stand forfeited.

11.

Reduction of amount on failure to intimate suspension or practice or retirement in respect of any case falling under sub-section (12) of Section 16 of the Act, the Trustee Committee may, after conducting such enquiry as it deems fit, reduce the amount payable to a member up to a maximum limit of 50 per cent.

12. Medical and Educational facilities.

(1)A member may be allowed grant from the Fund-(i)In case of hospitalisation lasting for one month or more or involving a major surgical operation; or(ii)on his suffering from tuberculosis, leprosy, paralysis, cancer, unsoundness of mind or from such other serious diseases or disabilities; or(iii)as educational aid to him or his dependants, on ground of merit.(2)The grant shall be allowed only after the Trustee Committee is satisfied about the genuineness of the claim.(3)The grant so allowed shall not exceed a sum of Rs. 2,000 to anyone for the purposes in clauses (i), (ii) or (iii) of sub-rule (I) during a period of five years.(4)An application for medical aid shall be in Form No. IX and application for educational aid shall be in Form No. X. Form No. I[See Section 14 and Rule 3(1)]Application for Recognition and Registration

1. Name of the Association

2. Whether registered under the Societies Registration Act or other similar Act (give details):-

3. Name of Courts in the Centre

4. At the time of application-

Name, address, date of enrolment, age and date of birth, date of suspension and resumption, if any, details should be furnished separately of all the existing members.

5. Name and addresses of the President and Secretary

We.....do solemnly affirm that the particulars stated above are true and correct.

Place: President:

Date: Secretary:

(Seal of the Association)(N.B. - See Form at Schedule I of Part B also)(Emblem of Bar Council)Form No. II[See Section 14 and Rule 3(3)]The Bar Council of BiharCertificate of RegistrationThe Bihar State Bar Council do hereby certify that.....Association is registered under Section 17 of the Advocates' Welfare Fund Act, 1983, and its registration no. is.....Given under my hand and seal of the Bar Council of Bihar.Dated this the..... day of.....(Seal)ChairmanForm No. III[See Section 16 and Rule 4 (1)]Application for admission to the Welfare Fund

1. Name and address (in block letters)

2. Age and date of birth of applicant

3. Date of enrolment under the Advocates Act, 1961

4. Date of practice

5. Place or places of practice

6. Suspension or discontinuance of practice, if any, with details of suspension and resumption.

7. Name and address of the nominee or nominees with the proportion of share to be paid to each.

8. Amount and date of payment to the Fund under section 16(3). Receipt to be attached.

9. Admission fee how paid

I.....do solemnly affirm that the particulars furnished above are true and correct.

Place :Date :Attested by Signature of the applicantPresident. Secretary

Form No. IV[See Section 16(2) and Rule 4(5)]Bihar Advocates Welfare Fund Trustee CommitteeCertificate of MembershipThe Bihar Advocates' Welfare Fund Trustee Committee certify that Shri/Smt.....is admitted to the Membership of the said Fund under Section 16(2) of Advocates' Welfare Fund Act, 1983.Given under my hand and seal of the Bihar Advocates' Welfare Fund Trustee Committee.Dated this..... day of.....SealChairman(In case, the applicant has practised in more than one Court centre, Certificate from the President or Secretary of each recognised Association has to be furnished).Form No. V[See Rule 4(6)]Form of Register of Members admitted to the Welfare Fund

1	2	3	4	5
Sl. No.	Membership	Name and address of	Name of Bar Association in which	Date of

number	members	he is a member	birth with age	
6	7	8	9	10
Date of enrolment as advocate	No. in State Roll of Advocate	Date of admission to the fund	No. of years of standing or date of admission as stated under section 16(4)	Remarks
Chairman Form No. VI [See Section 16(8) and Rule 5(3)] Application for re-admission to the Welfare Fund				

1. Name and address (in block letters) ...

2. Age and date of birth of applicant

3. Date of enrolment under the Advocates' Act, 1961

4. Date of practice

5. Place or places of practice

6. Suspension or discontinuance of practice, if any, with details of suspension and resumption

7. Name and address of the nominee or nominees with the proportion of share to be paid to each

8. Amount and date of payment to the Fund under section 16(3). Receipt to be attached.

9. Admission fee how paid

10. Date of previous admission to the membership of the Fund

11. Date of previous retirement from the Fund...

I..... do solemnly affirm that the particulars furnished above are true and correct.

Place: Date: Signature of the applicant

Form No. VII [See Section 17 and Rule 8(1)] Application for payment from the Fund

- 1. Name and address (in block letters) ...**
- 2. Age and date of birth of member**
- 3. Date of enrolment under the Advocate' Act, 1961**
- 4. Registration number under the Advocates' Welfare Fund Act, 1983**
- 5. Details of practice**
- 6. Place or places of practice**
- 7. Completed years of practice excluding period of suspension, removal and cessation of practice**

(1)Before the Act(2)After the Act

8. Date of retirement/cessation of practice/death

Place:Date: Signature of the applicant

Form No. VIII[See Section 19(b) and Rule 14(4)]Application for Medical Aid

- 1. Name and address of the member (in block letters)**
- 2. Age and date of birth of member**
- 3. Date of enrolment of member**
- 4. Name and address of the patient showing his relationship with the member.**
- 5. Name and address of the Medical Practitioner who is attending the patient**
- 6. Details regarding the disease**
- 7. Amount required for the treatment**

DeclarationI..... do hereby solemnly affirm that the particulars furnished above are true and correct.

Place:Date: Signature of the applicant

Form No. IX[See Section 19(b) and Rule 14(4)]Application for the Education Aid

1. Name and address of the member (in block letters)

2. Age and date of birth of member

3. Date of enrolment of member

4. Name and address of the patient showing his relationship with the member

5. Name and address of the institution where the student has been admitted

6. Details regarding the course of study....

DeclarationI.....do hereby solemnly affirm that the particulars furnished above are true and correct.

Place:Date: Signature of the applicant

Notifications(A)Establishment of Trustee Committee

No. Patna 156Law (Justice) Department Notification Patna, Saturday, 24.3.198424.3.1984.

A.O.421 - In exercise of the power conferred upon him under Sub-Sections (1), (3), (4) and (5) of Section 5 of the Bihar State Advocates' Welfare Fund Act, 1983, the Governor of Bihar is pleased to issue the notification to be published in the official gazette of the Government of Bihar establishing the Bihar Advocates' Welfare Fund Trustee Committee with effect from the date of its publication.

The following persons will remain members of the said Trustee Committee:

- | | |
|---|----------|
| (a) Advocate-General, Bihar | Chairman |
| (b) Law Secretary, Government of Bihar | Member |
| (c) Nominated member of the Government of Bihar (Shri Ram JanamOjha) | Member |
| (d) Chairman, Bihar State Bar Council | Member |
| (e) Nominated member of the Bihar State Bar Council (Sri TarakantJha and Shri Shailendra Kumar Jha) | Members |
| (f) Secretary-cum-Treasurer appointed by the Trustee Committee | Member |

The tenure of office of the Member nominated by the Government under subsection (3) (c) would be four years, and the tenure of office of the members nominated by the State Bar Council under sub-section (3) (c) would be either four years or till the period of his membership of the Bar Council whichever is earlier.By order of the Governor of Bihar