

THE RAJASTHAN ADVOCATES WELFARE FUND RULES, 1988

In exercise of the powers conferred under section 32 of the Rajasthan Advocates Welfare Fund Act, 1987 (Act No. 15 of 1987) the Bar Council of Rajasthan after previous approval of the State Government make the following rules for the purpose of the Act.

CHAPTER—I

Preliminary

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Advocates Welfare Fund Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—(1) In these rules unless the context otherwise requires,—

(a) "Act" means the Rajasthan Advocates Welfare Fund Act, 1987 (Act No.15 of 1987);

(b) "Bank" means any Scheduled Bank; and

(c) "Form" means a form prescribed under these rules.

(2) Words and expression used, but not defined in these rules, shall have the same meaning, as assigned to them in the Rajasthan Advocates Welfare Fund Act, 1987.

CHAPTER—II

Register of the Fund

1. The Committee shall maintain a Fund register of the amount received in the fund under the separate heads provided Section 3 of the Act. This will be in the following form:—

S.No.	Date	R.No.	From whom received	Amount	Notice
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CHAPTER—III

Establishment of Trustee Committee

1. The Trustee Committee shall subject to the provisions of the Act and these rules administer the fund and other aspects.

2. The Secretary shall be responsible for the day to day administration of the office of the Committee.

3. The Committee shall make rules for the recruitment, appointment etc. of the officers and servants of the trustee committee. In the mean time, till such rules are framed, the rules framed by the Bar Council in this respect shall be applicable.

4. The trustee committee shall maintain the following registers for the purpose of Accounts:—

- (1) Fund register
- (2) Register of Admission Fees and Annual subscription
- (3) Cash Book
- (4) Stamp sale register and expenses incurred in stationery, printing
- (5) Voucher file

5. The registers etc. shall be maintained in the Form as directed by the Committee in consultation with the Chartered Accountant appointed as Auditor of the fund.

6. The Secretary shall maintain the following registers:—

(1) Members registers in following form:—

S.No.	Date of admission as member	Name and Father's name	Age	Nominess	Address	Date since practising with Enrol. No.	Remarks
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(2) Register of Recognised Bar Associates in the following form:—

S.No.	Name and address of Associate	Date of recognition	Number of Members	File No. of the Associates
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(3) Register of Members under suspension:—

S.No.	Name and address & serial number in the register of members	Date of suspension and cause in brief	Date of revival
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(4) Register of payments to Members/heirs of members:—

S.No.	Date	Name & Address	Amount	D/D or Chaeque No.	Paid on a/c of
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(5) The other registers and files for day to day use shall be maintained as per requirement under the directions of the Secretary subject to supervision of the Committee.

CHAPTER—V

(12) Application for admission as member:—

Every advocate shall apply for admission as member to the fund within 30 days from the commencement of the Act in the following form.

The delay in applying after the expiry of the time may be condoned for sufficient cause being shown by the applicant.

Application form under section 16 of the Advocates Welfare Fund (Act No. 15/1987)

The Secretary
Trustee Committee
Jodhpur.

Sub : Application u/s 16 .

Sir,

I apply to be admitted as member of the fund:—

1. Name
2. Father's Name
3. Age
4. Address
5. Enrolment No. and date in the Bar Council
6. Date since practising as
 - (A) Pleader
 - (B) Advocate
7. Name of Bar Association of which the applicant is member
8. Period of suspension of practice
from.....to.....
9. Reason of suspension
10. Whether the applicant was convicted by a court of law for an offence of moral turpitude.
11. Particulars of nomination:
 - A. Name and age of the nominee/s
 - B. Relationship
 - C. Address
 - D. Name of other legal heirs of I class as per succession law.

(If there are more than one nominee, please specify the amount or share payable to each of them as to cover whole of amount payable).

12. Amount of fees
 13. Cheque or D/D No.
 14. Whether the applicant was ever removed from membership of fund, if so.
- Rs.
(A/c Payee)

When
Why
Date of revival

15. Any other details

Declarations

(A) I hereby declare that the above particulars are true to my personal knowledge.

(B) I hereby undertake to abide with the provisions of Act, Rules and direction etc. made thereunder.

(C) I hereby under take to pay subscription as required by the Act or Rules.

Date:-----

Signature of applicant
Advocate

- (13) The form may be submitted directly to the trustee Committee office or through the Bar Association concerned. If this form is submitted through the Bar Association, the Bar Association shall forward immediately with an endorsement that the particulars in column No.-----have been checked from the record of the Association.
- (14) The Bar Association will issue the acknowledgement of the form on behalf of the Secretary.
- (15) The Trustee Committee shall intimate the applicant within 30 days the decision taken on the application under section 16. If the Trustee Committee admits the applicant as member, it will issue a certificate in the following form.

Certificate of admission to the Fund
[Section 16 (1)]

1. Name & Address of Member.
2. Date Since practicing.
3. Name/Names with respective shares of the nominee/s
4. Any other particulars.

Signature of the authorised
signatory.

- (16) If the application u/s 16 after hearing the advocate is rejected, the committee shall intimate the details of its finding with reasons under the seal and signatures of the Secretary by Regd. cost A. D.
- (17) Change or cancellation of nomination :—
any member desiring to cancel or change the nomination made previously, he shall notify under registered post to the Secretary in the following form:

For change/ cancellation of Nomination.
[Section 16(10) of the Act]

1. Name & address of the member with serial number of membership.
2. Date of Nomination
3. Details of previous nomination
 - (A) Name with respective share
 - (B) Relationship
4. If cancellation is sought—
 - (A) Name of the nominee to be cancelled
Nominees
 - (B)
5. If fresh nomination is sought:—
 - (A) Name with age & share
 - (B) Relation with member
 - (C) Address of the nominee/s

Date:.....

Signature of member

This form shall be attested by the District Judge of the District in whose judgship the member is ordinarily practicing or residing.

- (18) Application by member or Association of practice:—

Member on cessation of the practice shall submit application for payment or the amount in the following form:

Form of application by member u/s 17
for the payment.

1. Name and address of member
2. Date of admission as member
3. Date since practicing
4. Duration of practice before admission as member

5. Duration of practice after admission as member
6. Date of Commencement of practice:
 - A. Date of discontinuance
 - B. Date of renewal
 (If there are more periods than one, please state all).
7. If the member joined an (since after becoming member, details be given.)
8. Total period of discontinuance of practice:
 - A. Before admission as member
 - B. After admission as member

9. Amount claimed and details in short for it.

A photo stat copy duly attested by the member should be affixed with this form

I hereby declare that the particulars are true to my personal knowledge.

Date.....

Signature

(19) Payment in case of death of the member:

Any nominee, dependent or legal heir, as the case may be, may submit application for the payment of amount in the following form:

1. Name and address of the deceased member
2. Serial No.(Date of admission of the member)
3. Date since practicing
(as written in the certificate of membership)
4. Period or periods of discontinuance of practice, if any
5. If the deceased member joined any service after becoming member, please give details.
6. Date of death of the member
(A death certificate must be enclosed).
7. Details of applicant—
 - A. Name/Names with age and address of each applicant.
 - B. If nominee, specify the share/shares of each nominee.
 - C. If the applicant is not nominee:
 - I. Relation with the deceased:
 - II. Succession certificate must be annexed with the application form
8. Amount claimed and its details in short.

Date:.....

Signature

(20) Application for payment to be disposed expeditiously:.

The trustee committee shall dispose off the application u/s 17 of the Act very expeditiously and within a month of its receipt in the office of the committee. If there is any enquiry to be made by the committee in this respect the same shall be made expeditiously.

Even under all the circumstances the application shall be disposed off within 3 months from the date of receipt in the office of such application:

Provided that this period of one month or 3 months may be extended by a further period of one month with a resolution of the Committee for reasons to be recorded and intimated to the applicant or if more applicants then one to all the applicants.

COPIES

Copy of judgement or order to be sent:

(21) *Copies.*—The committee shall send a copy of the order or judgement passed or pronounced on any matter under this Act and send a copy of such order or judgement immediately to the applicant or person having interest in the or aggrieved by such order or judgement by Regd.Post(free of cost).

(22) Other copies to be issued:

The Secretary shall issue copy of any application, any entry of register of members or Register of Bar Association etc. to any person on payment of fees as prescribed in the High Court Rules. The fees shall be paid in cash or in stamps printed by the Committee:

Provided also that the Committee may refuse the issue of copy of any document for reasons to be recorded in writing.

Certified that Page No. 1 to 7 Photo copy of approved Rules conveyed by the Secretary to Government law & legal Affairs Department, Govt. of Raj. Jaipur vide his letter No.F.15(17)S/C/88, dated 27-5-1988.

O.P.GUPTA,
Secretary,
Bar Council of Rajasthan,
Jodhpur.