
KARNATAKA ADVOCATES WELFARE FUND RULES, 1986

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KARNATAKA ADVOCATES WELFARE FUND RULES, 1986

In exercise of the powers conferred by Section 28 of the Karnataka Advocates' Welfare Fund Act, 1983 (2 of 1985), and of all other powers thereunto enabling the Karnataka State Bar Council with the previous approval of the Government, vide Government Order No. LAW 31 LGR 85, dated 1st April 1986, hereby makes the following rules, namely :

1. Short title :-

These rules may be called the Karnataka Advocates' Welfare Fund Rules, 1986.

2. Definitions :-

In these rules, unless the context otherwise requires.

- (a) "Act" means the Karnataka 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 13 of the Act by any association of Advocates functioning in any Court centre to the Bar Council for recognition and registration shall be in Form No. I: Provided that no association of Advocates other than an association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960), shall be eligible to apply for recognition and registration under Section 13.

(2) Every application in Form No. I shall be accompanied by an authenticated copy of the rules and/or bye-laws 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 special reasons to be recorded in writing.

4. Application for membership of the Fund :-

(1) Every application under Section 15 of the Act for admission as a member of the 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 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 along with 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 along with the application.

(4) Payment of the application fee shall be by means of an account payee 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 members 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 October of that year and a copy of the order of removal shall be served on him by registered post with acknowledgement due:

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 16 of the Act shall be treated as a new member from the date of his 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 at the Bar prior to his re-admission shall not be taken into account.

(3) An application for re-admission under Section 15(8) shall be in Form No. VI.

(4) An application for re-admission under Section 16(3) shall be in Form No. VII.

6. Printing and accounting of Welfare Fund Stamps :-

(1) The number of Welfare Fund Stamps to be got printed and the

press in which they shall be got printed shall be determined by the Bar Council on each occasion having due regard to security against excessive printing and other possible abuses.

(2) Before entrusting the printing work as in sub-rule (1) to any printing press the Bar Council shall obtain from the person representing the press such sum of money, as in its opinion adequate in the form of an account payee demand draft drawn in its favour, as earnest money deposit to ensure safe and timely printing and delivery of the stamps. The earnest money deposit shall not be refunded and the bill for the work of printing shall not be paid for, unless the Bar Council is satisfied of the work of printing and safe and timely delivery of the stamps.

(3) The stamps received from the printing press shall be counted jointly by the Chairman and the Secretary of the Bar Council and a statement shall be recorded to this effect in Register No. I and such other Registers as may be necessary.

(4) the custody of stamps shall be held jointly by the Chairman and the Secretary of the Bar Council, in double lock receptacles. The following records shall be maintained under the joint attestation of the Chairman and the Secretary of the Bar Council.

Register No. I. Register showing the order placed for printing of stamps and receipt of stamps under the following heads.

- (1) Serial number;
- (2) Name and location of the printing press;
- (3) Number of stamps for which order is placed;
- (4) Date and number of the order;
- (5) Number of stamps received with date;
- (6) Serial number and page number of the Stock Register where the stamps are taken into stock;
- (7) Signature of the Chairman and the Secretary.

Register No. II. Register showing the stock of stamps with the following heads.

- (1) Serial number;
- (2) Date;

(3) Stamps received;

(4) Stamps issued;

(5) Balance;

(6) Signature of the Chairman and the Secretary.

Register No. III. Day Book.

Register No. IV. Ledger.

Register No. V. Cash Book.

Register No. VI. Receipt Book with inner foil; and

Register No. VII. Such other registers and records as may be directed by the Bar Council from time to time.

(5) The Bar Council shall send to the Government a monthly statement of income and expenditure, a monthly statement of receipts and payments in respect of the Welfare Fund Stamps so as to reach the Government by 5th of the succeeding month. The Bar Council shall also furnish such other information and returns as may be specified by the Government from time to time. The Government may issue instructions to the Bar Council to ensure proper working of the scheme and the Bar Council shall be bound to carry out such instructions of the Government.

(6) Within 90 days from the close of every accounting year of the Bar Council, the Bar Council shall send to the Government annual income and expenditure statement and balance sheet in respect of the transactions relating to Welfare Fund Stamps, duly certified by a Chartered Accountant, along with a copy of the Auditor's Report.

(7) It shall be the duty of every Bar Association to prepare forecast of their requirements of the stamps and inform the Bar Council in advance.

(8) Indents for the supply of the stamps shall be made by the Presidents of the Bar Associations, to the Chairman of the Bar Council along with an account payee demand draft of the value of the stamps indented for less ten per cent of such value towards incidental expenses drawn in favour of the Bar Council.

7. Collection of amount due to the Fund :-

(1) The Bar Council shall transfer to the Fund¹ [20%] of the

enrolment fee collected during a financial year, before the 30th June of the succeeding year.

(2) The amount set apart from the Legal Benefit Fund under subsection (2) of Section 76 of the Karnataka Court Fees and Suits Valuation Act, 1958 shall be paid to the fund before the 1st day of August of every year.

(3) The Secretary of the Trustee Committee shall collect all sums specified in sub-section (2) of Section 3 of the Act and deposit the same in the Fund account forthwith. The bank account shall be jointly operated by the Secretary and the Treasurer of the Trustee Committee.

(4) Separate account shall be maintained for the receipts under each of clauses (a) to (k) of sub-section (2) of Section 3 of the Act.

(5) The proceeds of the sale of Welfare Fund Stamps, effected under Section 22 of the Act, shall be paid by the Chairman and the Secretary of the Bar Council to the Secretary of the Trustee-Committee, within five days from the close of each calendar month. Delayed payments shall carry interest at twelve per cent per annum.

(6) All payments under the Act and these rules by the Bar Council to the Fund, shall be made in the form of an account payee demand draft drawn in favour of the Secretary, the Karnataka Advocates' Welfare Fund Trustee Committee.

1. Substituted for the figures "30%" by GSR 271, dated 10-9-1986.

8. Functions of Trustee Committee :-

(1) The Trustee Committee may receive application for payment out of the Fund from any member or his legal heirs as the case may be, in Form No. VIII.

(2) All disbursement of amounts payable under Section 16 of the Act shall be by account payee cheques signed by the Secretary and the Treasurer.

(3) The Trustee Committee shall send to the Bar Council and the Government quarterly and annual reports showing the receipts to and disbursements from the Fund and other particulars and on such other occasions as may be required by the Bar Council.

(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. The Trustee Committee shall meet at least once in every three months and at least four such meeting shall be held in every year.

(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.

(4) The meetings of the Trustee Committee shall be presided over by the Chairman and in his absence by a member chosen by the members present at the meeting.

(5) Decisions of the Trustee Committee shall be taken by a simple majority of the members present and voting. The Chairman shall exercise a casting vote when there is an equal division of votes.

10. Appeal :-

(1) An appeal under Section 21 shall be in Form No. IX.

(2) The Bar Council shall fix the date and place for the hearing of the appeal and may, from time to time adjourn the hearing.

(3) The Bar Council may.

(a) before disposing of an appeal, make such further enquiry as it thinks fit or cause such further enquiry to be made by the Trustee Committee or the Secretary;

(b) in disposing of an appeal, pass such order as it thinks fit, including an order of remand to the Trustee Committee for fresh disposal.

(4) A copy of every order passed on appeal, certified as true by the Secretary, shall be sent to the appellant and the Trustee Committee.

11. Removal from membership caused by misrepresentation

or fraud on Fund :-

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.

12. Reduction of amount on failure to intimate suspension of practice or retirement :-

In respect of any case falling under sub-section (12) of Section 15 of the Act, the Trustee Committee may, after conducting such enquiry as it deems fit in its discretion reduce the amount payable to a member up to a maximum limit of 50%.

13. Members to affix stamp on vakalaths :-

Every member of the Fund shall affix one stamp on every vakalath filed by him and no vakalath shall be filed before, or received by, any Court, Tribunal or other authority unless it is so stamped:

Provided that the Court, Tribunal or other authority may receive a vakalath not bearing the stamp filed by an Advocate who is not a member of the Fund, if such vakalath is accompanied by a declaration by him that he is not a member of the Fund :

Provided further that if any member of the Fund makes a false declaration in the vakalath to the effect that he is not a member of the Fund, the Trustee Committee shall remove the name of such person from the membership of the Fund after affording him an opportunity of being heard in person. On such removal all benefits accrued to such member by virtue of the provisions of the Act and these rules, shall stand forfeited.

14. Medical Facilities :-

(1) A member and his dependents 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.

(2) The grant shall be allowed only after the Trustee Committee is satisfied about the genuineness or the claim.

(3) The grant so allowed shall not exceed a sum of Rs. 2,500 for any of the purposes specified in clause (i) or (ii) of sub-rule (1) during a period of five years.

(4) An application for medical aid shall be in Form No. X.