

APPENDIX XX**The Bihar State Advocates' Welfare Fund Act, 1983**

(Bihar Act No. 16 of 1983)

An Act to provide for the constitution of a Welfare fund for the benefit to advocates in the state of Bihar on death , disability , retirement , illness etc., and for matters connected therewith or incidental thereto.

Be it enacted by the legislative of the state of Bihar in the thirty fourth year of the Republic of India as follows:

1. **Short title, extent and commencement** .- (1) This Act may be called the Bihar State Advocates' Welfare Fund Act, 1983
- (2) It extends not the whole of State of Bihar
- (3) It shall not apply to persons who have retired from service and have been paid or are entitled to payment of retirement benefits from his employer.
2. **Definition** .- in this Act unless the context otherwise requires –
 - (a) "Advocate" means a person whose name has been entered in the State Roll of Advocates prepared and maintained by the Bihar State Bar Council under section 17 of the Advocates Act, 1961 (Central Act 25 of 1961);
 - (b) "Bar Council " means the Bihar State Bar Council constituted under Section 3 of the Advocates Act, 1961(Central Act 25 of 1961)

(c) " Cessation of practice " means removal of the name of an Advocate from the state Roll maintained by the Bar Council on account of his retirement

(d) "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 ;

(e) "Dependents " means wife, husband, father, mother and unmarried minor children or such of them as exist;

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- (f) "Fund" means the Advocates' Welfare Fund constituted under Section 3;
- (g) "Member of the Fund " means an Advocate admitted to the benefit of the Fund and continuing to be a member thereof under the provisions of this Act;
- (h) "Prescribed" means prescribed by the Bar Council by rules made under this Act;
- (i) "Retirement" means stoppage of practice as an Advocate communicate to and recorded by the Bar Council;
- (j) "stamp" means the stamp printed and distributed under section 21;
- (k) " State ": means the State of Bihar;
- (l) "Suspension of practice " means voluntary suspension of practice as an Advocate or suspension by the Bar Council for misconduct;
- (m) "Trustee committee' means the committee established under Section 4 ;
- (n) "Vakalatnama " means vakalatnama and includes memorandum of appearance or any other document by which an Advocate is empowered to appear or plead before any court, tribunal or other authority. But it shall not include memorandum of appearance filed on behalf of the State Officer representing State of Government.
3. **Advocates' Welfare Fund.-** (1) The Government shall constitute a fund called the Advocates' Welfare Fund
- (2) These shall be credited to the fund:
- (a) These shall be credited to the fund:

(b) Any contribution made by the Bar Council

(c) Any voluntary donation or contribution made to the Fund by the Bar Council of India, any Bar Association, any other association or institution, any advocate or any other person;

(d) Any grant made by the State Government to the Fund;

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- (e) Any sum borrowed under Section 11;
 - (f) All sums received From the Life Insurance Corporation of India on the death of an Advocate under the Group Insurance Policy;
 - (g) Any profit or dividend received from the Life Insurance Corporation of India in respect of policies of Group Insurance of the members of the Fund;
 - (h) Any interest or dividend or other return on any investment made of any part of the Fund;
 - (i) All sums collected by way of sale of stamps under Section 22;
 - (j) All sums collected under Section 16 by way of application fees and annual subscriptions 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 and the accounts of the Fund shall e maintained in such manner, may by prescribed.
4. **Administrative Department Welfare Fund.-** The Administrative Department of the Bihar State Advocates' Welfare Fund Scheme shall be the Law Department of the Government which shall have the powers to give instructions From time to time .
5. **Establishment of Trustee Committee.** - (1) The Government may, by notification in the Gazette, establish with effect from such date as may by

specified therein, a committee to be called the Bihar Advocates' welfare Fund Trustee Committee.

(2) The Trustee Committee shall be a body corporate having perpetual succession and a common seal with its head office at Patna with power to acquire and hold property and hold property and shall. By the said name, sue and be used.

(3) ¹ [(1) The Trustee Committee shall consist of:

(a) The Advocate – General of Bihar who shall be the Chairman of Trustee Committee, ex officio;

Re - numbered by Bihar Act 9 of 1990

- (b) The Law Secretary to Government, ex – officio;
- (c) A member nominated by the Government;
- (D) Chairman of the Bar Council;
- (e) Two members of the Bar Council nominated by it
- (f) The Secretary – cum – treasurer appointed by the Trustee Committee, ex officio;

(ii) **U;kl lfevr ds lnL;ks ds chp ls mik/;{k dk pquko gksxk tks v/;{k ds vuqifLFkfr esa muds lHkh dk;ksZ dk IEiknu djsaxsA**

(4) A member nominated by the Government under Clause (c) of Sub – Section (3) shall hold office for a term of four years and must be an Advocate on the roll of Bihar Bar Council.

(5) Member nominated by the Bar Council under Clause © of Sub – section (3) shall hold office of a term of four years or for the duration of his membership in the Bar Council, whichever is less.

6. Disqualification and removal of nominated members of Trustee Committee.

– (1) member nominated under Clause (c) or Clause (e) of Sub – section (3) of Section 5 shall be disqualified to be a member of the Trustee Committee, if he,-

- (a) Becomes of unsound mind; or

(b) Is adjudged insolvent; or

(c) is absent without leave of the Trustee Committee for more than three consecutive meetings of the committee; or

(d) is a defaulter to the Fund (in case he is member of the Fund) or has committed breach of trust; or

(e) Is convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set aside; or

(f) Is debarred from practicing on the ground of misconduct; or

(g) Ceases to be an Advocate under the Advocates' Act.

(2) The Government may remove any member who is or has become disqualified under Sub – section (1) from membership of the Trustee Committee:

Provided that no other removing any member shall be passed unless that member and the Bar Council in the case of a member nominated by it has been given an opportunity of being heard.

7. Resignation by nominated members of trustee Committee and filing up of casual vacancies.-(1) Any member nominated under Clause (c) or Clause (D) OF Sub – section (3) of Section 5 may resign his office by giving three months notice in writing to the Government or the Bar Council, as the case may be, and such resignation being accepted by the Government or the Bar Council shall be deemed to have vacated his office:

Provided that the Bar Council shall consult the Government before accepting the resignation

(2) A casual vacancy in the office of a member referred to in Sub-section (1) may be filled up, as soon as may be, and a member so nominated to fill such vacancy shall hold office for the unexpired portion of the term of office of the members whose place he fills.

8. Act of Trustee Committee not to be invalidated by vacancy, defect, etc. - No act done or proceeding taken under this Act or the rules made thereunder by the Trustee Committee shall be invalidated merely by reason of;

- (a) Any vacancy or any defect in the constitution of the Committee; or
- (b) Any defect or irregularity in the nomination of any person as a member thereof; or
- (c) Any defect or irregularity in such act or proceeding not effecting the judgment of the case.

9. 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.

10. Function of Trustee Committee.- (1) The trustee committee shall administer the Fund.

(2) In the administration of the Fund the trustee Committee shall, subject to the provisions of this Act and the rules made thereunder-

- (a) Hold the amounts and assets belonging to the Fund in Trust;

(b) Receive applications for admission or re-admission to the Fund, and dispose of such applications within ninety days from the date of receipt thereof;

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(d) Record in the minute's book of the Trustee Committee its decisions on the applications;

(e) Pay to the applicant's amount at the rates specified in the Schedule;

(f) Send such periodical and annual reports as may be prescribed, to the Government and the Bar Council;

(g) Communicate to the applicants by registered post with acknowledgement due the decision of the Trustee Committee in respect of applications for admission or re- admission to the Fund or claims to the benefit of the Fund:

(h) do such other acts as are or may be, required to be done under this Act and the rules made thereunder.

11. Funds, borrowing and investment.- (1) The Trustee committee may, may, with the prior approval of the Government and the Bar Council borrow, from time to time, any sum required for carrying out the purposes of the Act.

(2) The Trustee Committee shall deposit all money and receipts forming part of the fund in any Schedule Bank or invest the same in loan to any Corporation owned or controlled by the Central Government or the State Government or in loans floated by the Central Government or the State Government or in any other manner as the Trustee Committee may, from time to time, decide with the prior approval if the 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.

(4) The accounts of the Trustee Committee shall be audited annually by a Chartered Accountant appointed by the Bar Council.

(5) The accounts of the trustee Committee as certified by the auditor, together with the audit report thereon, shall be forwarded to the Bar Council which may issue such directions as it deems fit to the Trustee Committee in respect thereof.

(6) The Trustee Committee shall comply- cum – Treasurer.- The Secretary-cum- Treasurer 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 Committee;
- (c) authenticate by his signature all decisions and instructions of the Trustee Committee;
- (d) Operate the bank accounts of the trustee Committee jointly with the Chairman [.....hindi.....]
- (e) convene meetings of the Trustee Committee and prepare its minute;
- (f) attend the meetings of the Trustee Committee with all the necessary records and information;
- (g) Maintain such forms, register 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 each financial year; and
- (i) do such other acts as may be directed by the Administrative Department or by the Trustee Committee or its Chairman and the Bar Council.

13. **Transfer of certain moneys to the Fund** .- The Bar Council shall pay to the Fund annually an amount equal to twenty five per cent of the enrollment fees realized by it.

14 **Recognition and registration of Bar Association.**- (1) All associations of Advocates known by any name functioning in any Court, Tribunal or Authorities etc, may, before a date to be notified

by the Bar Council in this behalf, apply to the \Bar Council in such form as may be prescribed for recognition and registration.

(2) Every application for recognition and registration shall be accompanied by the rules or bye- laws of association, names and addresses of the office- bearers of the association and up-to-date list of the members of the association showing the name, address, age [ukekadu dh fuca/ku la;k]date of enrolment and the ordinary place of practice of each member.

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

(4) The decision of the Bar Council regarding the recognition and registration of a Bar Association shall be final.

15. Duties if Bar Association.- (1) Every Bar Association shall, registration shall , on or before the 15 the April of every year, intimate to the Bar Council a list of its members as on 31st March of that year.

(2) Every Bar Association shall intimate to the Bar Council and Trustee Committee-

(a) Any change of the office bearers of the association within fifteen days from such change;

(b) Any change in the membership including admission and re- admission within thirty days of such change;

(c) The death, retirement or voluntary suspension of practice of any of its members within thirty days from the date thereof;

(d) Such other matter as may be required by Bar Council or the Trustee Committee from time to time.

16. **Membership of the fund.** - (1) Every Advocate practicing in any Court, Tribunal or Authority etc. and being a member of a Bar Association recognized by the Bar Council may apply to the Trustee Committee for admission as a member of the Fund in such form as may be prescribed.

(2) on receipt of an application under Sub-section (1), and on payment of a fee as prescribed in Sub-section (3) the Trustee Committee shall make such enquiry as it deems fit 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.

(3) Every applicant shall pay an admission fee of two hundred rupees in one lump sum or in the course of one year in four equal installments, in such manner as may be prescribed, the first installment being payable along with the application to the account of the Trustee Committee. [ijUrq ;g fd U;k&lfefr n`kjk jkti= esa izdkf”kr dj] Hkqxrku dh jhfr esa ifjoZru dj ldsxkA]

(4) In the event of rejection of the application, the admission fee paid shall be refunded to the applicant.

(5) Every member shall pay an annual subscription to the Funds on or before the 30th June of every year at the following rates, namely,-

Where the standing of the Advocate at the
Bar is five years or more, but less than Ten Years

... One hundred rupees

Where the standing of the Advocate at the
Bar is ten years or more

... Two hundred rupees

(6) A member shall be entitled to pay the subscription under Sub- section (5) in two equal installments at his option.

(7) Any member who fails to remit the annual subscription for an year before the 30th June of that year shall be removed from the membership of the fund.

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(8) A person removed from the membership of the Fund under Sub- section (7) shall be re-admitted to the Fund on payment of the arrears with interest at twelve per cent annum within six months from the date of such removal.

- (9) Every member shall, at the time of admission to the membership of the Fund, may make a nomination conferring on one or more persons the right to receive the amount which may be due to him from the Fund in the event of his death before the amount has been paid to him.
- (10) If a member nominates more than one person under Sub- Section (9), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may be paid to him.
- (11) A member may at any time cancel a nomination by sending a notice in Writing to the Trustee Committee along with a Fresh nomination.
- (12) Every member who voluntarily suspends practice or retires shall within fifteen days of such suspension or retirement intimate the fact to the Trustee Committee and if any member fails to do so without sufficient reason, the Trustee Committee may, reduce the amount due to that member as on the date of actual retirement or suspension of practice.

17. Payment from the Fund on cessation of practice.-(1) A member of the Fund shall, on cessation of practice, be entitled to receive out of the Fund an amount at the rate specified in the Schedule.

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(2) In the event of death of a member, the amount shall be paid to his nominee or, where there is no nominee, to his legal heirs

(3) A member of the Fund may opt for retirement benefits at any time after years of his admission as a member of the Fund, but he shall be eligible for re-admission to the Fund as a new member subject to such condition as may be prescribed.

(4) For calculating the period of completed years of practice for the purpose of payment 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 practice after such admission **[vf/kfu;e ds varxZr fuf/k ds Hkqxrku ds laca/k esa fof/k O;olk; ds oxZ dh x.kuk esa fuf/k ls lnL;rk ds ukekadu ds iwoZ eq[rkj] lyhMj] cSfjLVj ;k ,Moksdsv ds :l esa fd, x, O;olk; dks lfEefyr fd;k tk,xkA**

(5) In the case of a member who dies or suffers permanent disablement the member or his nominee or legal heir, as the case may be, shall be entitled to get a minimum sum of Rs 5,000/-.

(4) An application for payment from the Fund shall be preferred to the Trustee Committee in such form as may be prescribed.

(5) An application received under Sub-section (6), shall be disposed of by the Trustee Committee after such enquiry as it deems necessary.

Provided that any person who takes up any job or employment after suspension of practice within ten years shall not be entitled to any of the benefits under the Act except the amount deposited by him under the scheme with interest.

18. Restriction on alienation, attachment etc. of interest of members in Fund.

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

Explanation.- For the purpose of this section, “creditor” includes the Government or an official assignee or receiver appointed under the provincial Insolvency Act, 1955 (2 of 1956) or any other law for the time being in force.

19. Group Life Insurance for members and other benefits. - The Trustee Committee may, for the Welfare of the members of the Fund

(a) Obtain from the Life Insurance Corporation of India Policies of Group Insurance for the members of the Fund

(b) Provide for such benefits as may be prescribed;

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20. Meeting of the Committee.- (1) The Trustee Committee shall meet at least once in three calendar months or more often if found necessary at its headquarter at Patna or at any other place in Bihar to transact business under this Act or the rules made thereunder.

(2) One – third members of the Committee shall form the quorum for a meeting of the Committee.

(3) The Chairman or in his absence, Chairman of the Bar Council or a member elected shall preside over a meeting of the Trustee Committee.

(4) Any matter coming up before a meeting of the Committee shall be decided by a majority of the members present and voting at the meeting and, in the case of a equal votes, the chairman or the member presiding over the meeting shall have a casting vote.

21. Travelling and daily allowances to members of Committee.- The non- official members of Trustee Committee shall be eligible to get such travelling allowance and daily allowance as are admissible to the members of the Bar Council.

22. Printing and distribution of Advocates' Welfare Stamps by the State.- (1) The State shall cause to be printed and distributed Advocates' Welfare Fund Stamps for sale of the value of two rupees and fifty paise with the Bar Council Emblem and its value inscribed thereon.

(2) The Welfare Stamps shall be of the size of 1 inch x 2 inches.

(3) The custody of the Welfare Stamps shall be with the State of Bihar who will maintain separate Account and head for this.

(4) The State Government shall control the distribution and sale of the Welfare Stamps through the stamp vendors appointed by it for the sale of court- fee stamps.

(5) The State Government at the time of closing of every financial year shall transfer the sale proceeds of the Welfare Stamps after the payment of commission, etc, to the account of Advocates' Welfare Fund.

(6) The State Government shall also furnish to the Trustee Committee a Statement containing the number of welfare stamps printed, sold and amount so transferred to the Advocates' Welfare Fund after deducting commission, etc, within three months from such transfer.

(7) Every welfare stamp affixed on vakalatnama [;k "kiFk i=] filed before any Court, Tribunal or other Authority shall be cancelled in the manner as provided in Bihar for the court- fee stamps.

23. Vakalatnama [vkSj "kiFk i=] to bear welfare stamps.- No vakalatnama [vkSj "kiFk i=] shall be filed before or received by the Court, Tribunal or other Authority unless it has the welfare stamp as mentioned in Section 22.

24. Protection of action taken in good faith,- (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this act or any rule made thereunder.

(2) No suit or other legal proceeding shall lie against the Trustee Committee or the Bar Council or the State for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule **made** thereunder.

25. Bar of jurisdiction of civil court.- No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act to be settled, decided or dealt with or to be determined by the Trustee Committee, the Bar Council or the Administrative Department .

26. Power to summon witnesses and take evidence.- The Trustee Committee and the Bar Council shall for the purposes of the enquiry under this Act have the same power as the vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely;-

(1) Enforcing the attendance of any person or examining him on oath;

(2) Requiring the discovery and production of documents;

(3) Receiving evidence on affidavit;

(4) Issuing commissions, for the examination of witness;

27. Power to make rules. - The Bar council may, with the previous sanction of the Government, by notification in the official Gazette, make rules for the purposes of carrying into effect the provisions of this Act.

28. Repeal and saving. - (1) The Bihar State Advocates' Welfare Fund Ordinance, 1983 (Bihar Ordinance No. 10 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in respect of any or any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of powers conferred by or under this Act as this Act were in force on the day on which such thing or action was done or not.

SCHEDULE 1

[See Section 9 and 17 (1)]

(A)

Completed years of Practice	Death or retirement benefit due to Permanent Disablement (in Rupees)	Benefit on retirement (in rupees)	Voluntary
1 Year	5,000	15,000/-	
2 Years	5,000	15,000/-	
3 Years	5,000	15,000/-	
4 Years	5,000	15,000/-	
5 Years	5,000	15,000/-	
6 Years	6,000	18,000/-	6,000 18,000/-
7 Years	7,000	21,000/-	7,000 21,000/-
8 Years	8,000	24,000/-	8,000 24,000/-
9 Years	9,000	27,000/-	9,000 27,000/-
10 Years	10,000	30,000/-	10,000 30,000/-

11 Years	16,500	49,500/-	11,000	33,000/-
12 Years	18,000	54,000/-	12,000	36,000/-
13 Years	19,500	58,500/-	13,000	39,000/-
14 Years	21,000	63,000/-	14,000	42,000/-
15 Years	22,500	67,500/-	15,000	45,000/-
16 Years	24,000	72,000/-	16,000	48,000/-
17 Years	25,500	76,500/-	17,000	51,000/-
18 Years	27,000	81,000/-	18,000	54,000/-
19 Years	28,500	85,500/-	19,000	57,000/-

20 Years	30,000	90,000/-	20,000	60,000
21 Years	42,000	1,26,000/-	31,500	94,500/-
22 Years	44,000	1,32,000/-	33,000	99,000/-
23 Years	46,000	1,38,000/-	34,500	1,03,500/-
24 Years	48,000	1,44,000/-	36,000	1,08,000/-
25 Years	50,000	1,50,000/-	37,500	1,12,500/-
26 Years	65,000	1,95,000/-	39,000	1,17,000/-
27 Years	67,500	2,02,500/-	40,500	1,21,500/-
28 Years	70,000	2,10,000/-	42,000	1,26,000/-
29 Years	72,500	2,17,500/-	43,500	1,30,500/-
30 Years & above	75,000	2,25,000/-	45,000	1,35,000/-

(B)

(For Ex – gratia Payment)

Sl. No	Age Group	Ex – Gratia payment (Rs.)
1.	Up to 30 years of age	45,000
2.	Above 30 years and upto years of age	40,000
3.	Above 40 years and upto 45 Years of age	35,000
4.	Above 45 years and upto 50 Years of age	30,000
5.	Above 50 years of age	15,000

APPENDIX XX1

The Bihar Advocates' Welfare Fund Rules, 1984

IN exercise of the powers 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 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.

1 notification No .427, dated 28th September,1984

(3) The certificate of Registration to be issued by the Bar Council shall be in Form No. 11

(4) The Bar Council may recognize 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 Form No. 11 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 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 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. 1V.

- (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 the 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. V1.

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 –

1. Register showing the order placed for the printing of stamps.

11. Register showing the stock of Stamps with the following

(a) Serial Number

(b) Date

(c) Receipt

(d) Receipt

(e) Issue

(f) Balance

111. Ledger

1V. Cash Book

V. Receipt Book with inner foil, and

V1. 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, Book and connected papers.

(5) The Trustee Committee may take such steps as it thinks fit and proper

7. Collection of amounts due to the Fund.- (1) The Bar Council shall transfer to the Fund 25 per cent 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 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 authorized 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 (3) of Section 3 of the Act.

8. Function of Trustee Committee. - The Trustee Committee may receive application for payment out of the Fund any member or his nominees or his legal representatives, as the case may be, in Form No: V11.

(2) All disbursements of amounts payable under Section 17 of the Act shall be by account – payee – cheques signed by the Chairman or Treasurer.

(3) The Trustee Committee shall send to the Bar Council and Government quarterly or annual reports showing the receipts and the disbursements from the Fund and other particulars and on such other occasion 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 acknowledgment due.

9. Notice, quorum, etc., of meeting of the Trustee Committee. - (1) Ten clear days, notice be given for the meeting of the trustee Committee.

(2) The quorum for a meeting of the Trustee Committee shall be three.

(3) The meeting 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 trust Committee shall be presided over by its Chairman and in his absence by the Chairman Bar Council and in his absence by a member chosen by the members present at the meeting.

10. Removal from membership cause. - 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 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 of 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) member may be allowed grant from the Fund –

(1) in case of hospitalization lasting for one month or more or involving a major surgical operation; or

(11) On his suffering from tuberculosis, leprosy, paralysis cancer, unsoundness of mind or from such other serious diseases or disabilities, or,

(111) an educational aid to him or his dependents, 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 any one for the purposes in Clauses (1), (11) or (111) of Sub- rule (1) during a period of five years.

(4) An application for medical aid shall be in Form No... 1X and application for education aid shall be in Form No .X.

FORM NO. 1

[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
date of birth ,date of suspension and
resumption, if any, detail should be
furnished separately of all the existing
members

 - 5 Name and address 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)

(Emblem of Bar Council)

FORM NO. II

[See Section 14 and Rule 3 (3)]

THE BAR COUNCIL OF BIHAR

Certificate of Registration

The 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 seal of the Bar Council of Bihar.

Date this the day of /.....19.....

(Seal)

Chairman

FORM 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. Details 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 be attached
- 9 Admission fee how paid ...

I, do solemnly affirm that the particulars
Furnished above are true and correct

Place...

Signature of the Applicant

Date

Attested by:

President

Secretary

FORM NO 1V

[See Section 16 (2) and Rule 4 (5)]

BIHAR ADVOCATE'S WELFARE FUND TRUSTEE COMMITTEE

Certificate of Membership

The Bihar Advocates' Welfare Fund Trustee Committee certify that Shri/Smt
.....is admitted to the Membership of the said Fund under
Section 16 (2) of Advocated' Welfare Fund Act

1983

Given under my hand and seal of the Bihar Advocates' Welfare Fund Trustee
Committee

Dated this day of 19

Chairman

Seal

In case the applicant has practiced in more than one Court centers. Certificate
from the President or Secretary of each Recognized Association has to be
furnished.

FORM NO. V

[See Rule 4 (6)]

FORM OF REGISTER OF MEMBERS ADMITTED TO

THE WELFARE FUND

SL.No.	1	2	3	4	5	6	7	8	9	10	Remark

Chairman

FORM NO. V1

[See Section 16 (8) and Rule 5 (3)]

APPLICATION FOR RE- ADMISSION TO THE WELFARE FUND

1. Name and address (In bloc Letters) ...
2. Age and date of birth of Applicant ...
3. Date of enrolment under the Advocates Act 1961
4. Details 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. V11

[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 members ...
- 3. Date of enrolment under the ...
Advocates' Act 1961
- 4. Registration number under the ...
Advocate's Welfare Fund Act 1983
- 5. Details of practice ...
- 6. Place or places of practice ...
- 7. Complete 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 12 (4)]

APPLICATION FOR MEDICAL AID

1. Name and address of the member (in block letters) ...
2. Age and date of birth of members ...
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 ...

DECLARATION

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

Place

Signature of the Applicant

Date