

“THE GAZETTTE OF AZAD JAMMU AND KASHMIR”

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**AZAD JAMMU AND KASHMIR BAR COUNCIL
FOUNDATION (LAWYERS) RELIEF FUND RULES,
2008**

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Whereas it is expedient to establish a foundation for the common benefits of the Advocates and to provide the manners of its management and regulations, the Azad Jammu and Kashmir Bar Council in exercise of powers conferred of it by Section 53 of the Azad Jammu and Kashmir Legal practitioners and Bar Council Act 1995, read with other enabling; provisions of the said Act, hereby, makes the following rules.

2. (i) These Rules shall be called “The Azad Jammu and Kashmir Bar Council Foundation Relief Fund Rules, 2008”.
- (ii) These Rule shall come into force at once.
3. In these Rules unless there is anything repugnant in the subject or context,--
 - (a) “Assistance” means the financial grant or support (in cash or kind) out of the funds of the foundation for providing relief to the eligible beneficiaries.
 - (b) “Beneficiaries” means the advocates who are bonfire members of any Bar Association.
 - (c) Chairman means the Chairman of the Committee.
 - (d) Committee means the committee constituted under these Rules.
 - (e) Dependent means the wife, widow (not re-married), husband, parents sons and un=married daughters of beneficiaries wholly dependent and residing with the beneficiaries.
 - (f) “foundation” means the Azad Jammu and Kashmir Bar Council Foundation.
 - (g) “Funds” means Azad Jammu and Kashmir Bar Council funds derived from the sources of the Government of Azad Jammu and Kashmir, donations (in cash or kind) by any Government non Government agencies and individuals.
 - (h) “Government” means Azad Jammu and Kashmir Government.
 - (i) “Secretary” means the Secretary of the Committee/Secretary Bar Council.

- (j) Secretariat” means the administrator setup of the committee for working as secretariat of the Foundation.
- (k) “Vice Chairman” means the Vice Chairman of the Azad Jammu and Kashmir Bar Council.
- 4. Aims and objects of the funds:-
 - (i) The aims and objects of the funds are to provide financial aid and assistance to the beneficiaries.
 - (ii) Without prejudice to the generality of sub rule (1). The foundation may in particular.
 - (a) Provide for extending and improvement of medical facilities to the beneficiaries and their dependents.
 - (b) Grant assistance in lump sum or on periodical basis or both to the beneficiaries in case of their serious illness or injury or in case or illness, illness or death of their dependents.
 - (c) Grant assistance in lump sum or on periodical basis or both to the dependents in case of death or permanent disability of the beneficiaries.
 - (d) Grant annual scholarships to the eligible dependents of the beneficiaries for their educational requirements.

5. **Funds.** There shall be a fund of the Foundation consisting of income from sources created by the foundation, grants in aid and donations from Government (in case or kind), any Government Department, non Government Agencies, organizations, individuals and income derived from the sale of stamps.

6. **Committee.** (1) There shall be a committee of Administrator to administer and manage the affairs of the fund. The Vice Chairman of the Bar Council shall be the Chairman of the Committee.

(2) There shall be four other member of the committee constituted and nominated by the council.

7. **Powers of the Committee.** (1) The committee shall have the powers and discretion to utilize, apply and invest the funds of the Foundation in such manner as it may consider appropriate.

- (2) Without prejudice to the generality of the foregoing, the committee may,--
 - (a) Create posts, make appointments and determine the pay, allowances and other term and conditions of service of the employees of the Foundation.

Provided the total annual administrative expenditure shall not exceed ten percent of the annual income of the fund.

- (b) Raise loans for its various enterprises.
- (c) Enter into contracts, engagements, arrangements and execute necessary documents.
- (d) Purchase, sell endorse, transfer, negotiate or otherwise deal in securities of the Government and
- e) The committee shall print and publish Vakaltnama forms valued Rs. 30/-. All the cases to be instituted in any Court of law including Civil, Criminal, Revenue, Rehabilitation and Administrative Tribunal i.e Custodian, Service Tribunal, Banking Court and in the High Court, Shariat Court and Supreme Court shall be accompanied by the Vakalatnama published by the AJ&K Bar Council:- and without vakalatnama of AJ&K Bar Council no advocate shall be entitled to appear, proceed and defend the case referred here in above.
- f) If it is found that an advocate without filing the vakalatnama published by the Bar Council is proceeding with the cases, his license may be suspended by the executive committee of Bar Council.

8. Rules of procedure for the committee. (1) The Chairman may convene meeting of the Committee at such time and place as may be deemed necessary and convenient for transaction of its business provided that at least two meetings shall be held in a years.

(2) The Chairman shall preside the meeting of the committee, if any meeting convened by the Chairman, the Chairman is not present, the members present may elect a member for presiding the meeting.

(3) Fifty percent of the total number of the members shall form quorum of a meeting.

(4) The decision of the Committee shall be taken by a majority of members present. In case of tie, the Chairman or the members presiding the meeting, as the case may be, may exercise a casting vote.

(5) Preparation of agenda and minutes of the meeting shall be the responsibility of the Secretary.

(6) All accounts of the Funds will be jointly operated by the Chairman and the Secretary of the Committee or any person authorized by them.

(7) The finances of the funds shall be invested in saving scheme of the National saving center, the post offices or other Government granted

securities and any other long terms deposits in DFLs/scheduled Bank obtain maximum profits.

(8) The accounts of the Fund shall be maintained in proper forum and subject to audit by the Auditor appointed by the Council for Financial Assistance; and

(9) The Committee may frame regulations for the smooth management of the fund.

9. **Powers of the Chairman of the committee.** In matters of emergency, the Chairman may take such decision as considered expedient subject however, to ex-post facto approval of the committee in the subsequent meeting.

10. **Procedure for grant of assistance.** (1) Applications in a form prescribed in Schedule-I may be submitted by an eligible beneficiary or his dependent to the Committee.

(2) The committee may cause an inquiry to verify the contents of application and on satisfaction regarding eligibility of the applicant under the rules may recommend assistance in accordance with rules.

(3) The committee may grant financial assistance to a beneficiary or his dependents on the scale as prescribe by the committee; and

¹(4) The chairman of the Committee pending finalization of a case by the committee may grant immediate assistance to an advocate not exceeding Rs. 200.000/- for his/her medical treatment, of any of the following, diseases.

- (i) Cancer.
- (ii) Hepatitis B & C
- (iii) Chronic Kidney disease.
- (iv) Cardiac disease (open heart surgery & angioplasty only)
- (v) Brain Hemorrhage /Paralysis.
- (vi) Serious injuries due to accident of any kind.

1. Substituted through amendment rules notification dated 09.10.2017.