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**AZAD JAMMU AND KASHMIR BAR
COUNCIL BENEVOLENT FUND RULES, 1998**

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Whereas it is expedient to establish a fund for the common benefit of the Advocates and to provide for subscription thereto and for the manner of its management and regulation. Now, Therefore, the Azad Jammu and Kashmir Bar Council in exercise of the powers conferred on it by section 53 of the Azad Jammu and Kashmir legal practitioners and Bar Council Act, 1995 (XXX of 1995) read with section 62 of the said Act, hereby makes the following rules:-

CHAPTER-1

PRELIMINARY

1.1 These rules, shall be called the Azad Jammu and Kashmir Advocate Benevolent Fund Rules 1998.

1.2 These rules, shall come into force at once.

1.3 In these rules, unless there is anything repugnant in the subject or context.

- (a) ‘Act’ means the Azad Jammu and Kashmir legal Practitioners and Bar Council Act; 1995 (XXX of 1995)
- (b) ‘Advocate’ means an advocate whose name is deemed to have been borne on the Rolls of Azad Jammu and Kashmir Bar Council in view of Rules 75 and 76 of Azad Jammu and Kashmir legal Practitioners Bar Council Rules, 1998 and Register maintained under these Rules.
- (c) ‘Bar Council’ means the Azad Jammu and Kashmir Bar Council;
- (d) ‘committee’ means the benevolent fund committee.
- (e) ‘Family’ means the legal heirs of the deceased advocate according to the personal law of the advocate;
- (f) ‘Form’ means the form appended to the Rules;
- (g) ‘Rules’ means the Azad Jammu and Kashmir Advocates Benevolent Fund Rules; and
- (h) ‘Vice Chairman’ means the Vice Chairman of the Bar Council.

1.4 The terms, words and phrases not defined herein shall, whenever the context so permits have the same meaning as is assigned to them under the Act.

CHAPTER-II

CONSTITUTION OF THE FUND

2.1 There shall be constituted a Benevolent Fund (Hereinafter called the fund) comprising as under:-

- a) Advocate (Security) Benevolent Fund, (hereinafter called the security Fund); and
- b) Advocate (Relief) Benevolent Fund (hereinafter called the relief Fund).

2.2 Every advocate borne on the Rolls of the Azad Jammu and Kashmir Bar Council or an applicant for being enrolled as an advocate shall make contribution of Rs. 2000/- to the fund:

Provide that an Advocate, who has attained the age of 65 years, shall contribute Rs. 50. annually;

Provide further that an applicant for being enrolled as an Advocate who at the time of his enrollment is not above the age of 30 years, or an advocate who is not above the age of 30 years, shall pay Rs.3000/- to the Fund.

Provided further that:-

- (i) An applicant for being enrolled as an Advocate who is between the age of 40 and 50 years, shall pay an additional contribution of Rs. 500/- to the Fund.
- (ii) An applicant for being enrolled as an advocate who is between the age of 50 and 60 years, shall pay Rs. 4000/- to the fund.
- (iii) An advocate who has already made a lump sum contribution to the fund shall pay an additional sum of Rs. 1000/- and
- (iv) An advocate who is making annual contribution and is defaulter, may continue to make such contribution by 31st of January of the calendar year for which the contribution is being made or any time he may deposit Rs. 2000/-

2.3. If an advocate does not make annual contribution by the prescribed date he shall cease to be a member of the Fund. He shall then become a member of the Fund ¹from the date he discontinued to contribute in the fund on payment of Rs.2000/- ²per annum

1. Inserted through Notification dated 29.01.2014.

2. Inserted through amendment in rules Notification dated 29.01.2014.

2.4 To credit of the Fund shall be placed:-

- a) All sums paid by the Advocate as contribution to the Fund.
- b) All grants made by the AJ&K Council, and the Government, autonomous bodies, organization, intuitions or other authorities; and
- c) Donation made by advocates in addition to the their contribution.

2.5 Out of annual income accrued from the investments of the fund and annual contribution received. 6/7th shall be allocated to the Security Fund and the remaining 1/7 the and the annual contributions received from the advocates who have attained the age of 65 years shall be allocated to the advocates who have attained the age of 65 years shall be allocated to the Relief Fund.

2.6 The amount credited to the Fund shall be utilized for:-

- a) payment of amounts under the Rules:
- b) Meeting the expenditures incurred by the Bar Council and Committee for the management of the Fund.
- c) The purposes authorized by the Act and the Rules: and (d) other payments and expenses authorized by the Bar Council.

CHAPTER III

ACCOUNTS AND AUDIT

3.1 The fund shall be managed by the Committee which shall function under the supervision and control of the Bar Council.

3.2 The receipts and expenditure shall be separately entered in respect of the security Fund and relief fund in a Cash Book to be maintained in the manner provided by the Azad Jammu and Kashmir Legal practitioners and Bar Council Rules. 1998.

3.3 The Fund shall be kept in such bank or invested in such securities as may be approved by the Bar Council.

3.4 The bank accounts shall be operated by the Vice Chairman and the Chairman of Committee jointly.

3.5 The accounts shall be audited in the manner prescribed by the Azad Jammu and Kashmir legal practitioners and Bar Council Rules 1998.

3.6 The audited annual statement of account of the fund shall be laid before the first meeting of the Bar Council held after first March of every year; provided that the bar council may examine the account at any time it deems fit a summary of such statements may be sent every recognized Bar Association in the Azad Jammu and Kashmir.

CHAPTER-IV**ADVOCATES (SECURITY) BENEVOLENT FUND**

4.1 If an advocate, before attaining the age of sixty five (65) years, dies or is declared by the medical authority appointed by the/Bar Council to have been permanently incapacitated physically or mentally to discharge his professional duties, he or his family or his nominee under Chapter VI, as the case may be, shall subject to Rule 4.2 make a claim in writing to be paid a sum of Rs. 60000/- out of the Security Fund.

Provided that:

- (i) (a) Rs. 40000/- will be paid to that advocate who fails to make the additional contribution of Rs.1000/- under paragraph (iii) of second proviso to rule 2.2
- (b) Rs. 35000/- in case of the Advocate who makes annual contribution and
- (c) an advocate who has made additional contribution of Rs. 500/- to the Fund under proviso to Rule 2.2 shall be paid Rs. 60,000/- from the Security Fund of completion of the age of 65 years, or in the event of his death before the completion of the age of 65 years, his nominee or his family shall be paid Rs. 60,000/- on the date on which he would have attained the age of 65 years.
- (ii) the payment out of the Security fund under sub-rule (i) shall be made on the production of the medical certificate in case of permanent incapacitation or the death certificate, attested by a Member of the Bar Council of concerned District or by the President of the Bar Association of the place where the deceased was ordinarily practicing.
- (iii) an advocate who fails to make contribution or has committed default within the meaning of Rule 2.2, shall not be entitled to any claim payable under the Rule and
- (iv) an advocate who is member of the Fund, and has made the full contribution under Rule 2.2, shall be paid Rs. 5000/- on attaining the age of seventy (70) years.

4.2 An adhoc payment of Rs. 5000 is made within one month of the lodging of the claim. Final payment shall be made by March 31 of the ensuing years.

Provided that if any year the number of claims under Rule 4.1 is such that sum payable under Rule 4.1 cannot be paid out of the Security Fund in the year to which the claim relates, the final amount to be paid shall be determined by the process of ratable distribution.

Provided further that if an Advocate has received payment on account of incapacity his family or nominee shall not be entitled to further payment on account of death.

4.3 On the death of an advocate the amount to be paid out of the Security Funds shall be paid to such member or members of his family as he might have nominated, in full or in the shares specified by him at the time of making the nomination.

4.4 Where no valid nomination made by the Advocate subsists at the time of his death, the payment from the Security fund shall be made for the maintenance and benefit of such member of the family as may be recommended by Committee and approved by the Bar Council, in the following manner.

- a) if the members of the family of the deceased advocate agree to nominate any one of them to receive the payment the payment shall be made to that member and
- b) if there is no such agreement, the payment shall be made to such person as may be considered fit by the committee and approved by the Bar Council.

4.5 In case of dispute about the date of birth of an advocate, the decision of the Bar Council thereon shall be final.

4.6 The Bar Council shall at least once a year examine the finance of the Security Fund and as a result of such examination may increase for decrease the contribution payable under Rule 2.2, or may increase the amount payable under Rule 1.

4.7 As a result of the examination under the Rule 5.6, the Bar Council may refund to an Advocate attaining the age of 65 years the whole or part of the contribution made to the Security Fund by him or any additional amount to be determined by the Bar Council; provided that no refund shall be made of contributions made during the period ending December 31 of the concurred year.

4.8 If an Advocate who has joined any other business, vocation, profession or Employment of any kind shall cease to be the member of benevolent and Relief fund under these rules or any other rules of Bar Council made from time to time. He shall only be entitled to the sum deposited by him in this behalf.

¹4.9 If an Advocate is default three consecutive installments, he is automatically disentitled for Benevolent fund and relief fund of Bar Council.

²4.10 An Advocate who pay installment of Benevolent fund continually/without any default, if died, the continue installment if less than 50% of total; policy amount his family is entitled for 50% of total policy. If the continue installment paid by deceased Advocate more than 50% of total

1. Added through amenity in rules Notification dated 20.01.2017.
2. Added through amenity in rules Notification dated 20.01.2017.

policy. His family is entitled for full compensation amount as provided in the policy.

CHAPTER IV

ADVOCATES (RELIEF) BENEVOLENT FUND

5.1 An application for payment out of the Relief Fund recommended by the ¹Member of Bar Council of the relevant District place where the applicant ordinarily practices or by a member of the Bar Council may be made to the committee for the purpose specified in the Act.

5.2 Upon receipt of an application under Rule 5.1, the committee shall, after making such inquiry as it may consider necessary, recommended payment of such sum as it thinks fit out of the Relief Fund either in lump sum or in periodic installments, payments shall be made after the approval of the Bar Council.

Provided that in hardship cases payment of Rs. ²1,50,000/- may be made by the committee without obtaining prior approval of the Bar Council.

5.3 Subject to availability of fund no Advocate shall be paid more than Rs. 3000/- under Chapter V:

Provided that the Bar Council may, under special circumstances, allow payment of an amount not exceeding Rs. ³(200000/-).

CHAPTER VI

NOMINATIONS OF BENEFICIARIES FOR THE ADVOCATES (SECURITY) BENEVOLENT FUND

6.1 Every Advocate may make a nomination conferring on one or more members of his family, the right to receive in the event of his death a specified share from the security fund.

6.2 The advocate may provide in the nomination that in the event of any nominee pre Deceasing the Advocate, he right conferred upon that nominee shall pass to such other member or members of the advocate's family as he may specify in the nomination.

6.3 The nomination is respect of all or any of the nominees shall become void in the event of the happing of any contingency specified therein.

6.4 An advocate may at any time cancel his previous nomination and make a fresh nomination.

6.5 Every nomination made by a advocate shall be authorized by a member of the Bar Council or the president of the Bar Association where the Advocate ordinarily practices.

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1. Substituted through amendment in rules Notification dated 29.01.2014.
 2. Substituted through amendment in Rules Notification dated 29.01.2014.
 3. Substituted through amendment in Rules Notification dated 29.01.2014.

CHAPTER VII

MISCELLANEOUS

7.1 Every Advocate shall along with his first contribution due under these Rules make an application for Registration under these Rule in Form "A".

7.2 A Register containing the names of advocate shall be maintained in Form "B".

Provided that the name of an advocate who fails to make his contribution in time shall, pending action under Rule 2.3 be struck off the register and he shall not be entitled to any benefit under these rules.

7.3 A claim under chapter IV shall be in Form "C".

7.4 An application under chapter V shall be in Form "D"

7.5 A nomination, or a fresh nomination under chapter VI shall be in form "e".

FORM "A"

Application for Registration as contributory to the Azad Jammu and Kashmir Benevolent Fund under Rule 7.1

Name: _____

Father's/ Husband's Name: _____

Date of Birth: _____

Date/Year of enrollment as Advocate: _____

Date/Year of enrollment as Advocate of High Court: _____

Ordinary place of practice: _____

Name of Bar Association of which Applicant member: _____

Signature _____

FORM "B"

District: _____

Registered No: _____

Name of the advocate _____

Father's/ Husband's Name: _____

Date of Birth: _____

Date/Year of enrollment as Advocate: _____

Date/Year of enrollment as Advocate of High Court: _____

Ordinary place of practice: _____

Name of Bar Association of which Applicant member: _____

Nominee if any: _____

Claim under Relief Fund: _____

Decision on claim: _____

Payment of Security Fund: _____

Remarks: _____

Particular of Payment

Year

Amount Paid

Initial

FORM "C"

Claim under Chapter IV under Rule.7.4

Name of Advocate: _____

i) Date of death: _____

(Attached death certificate attested by the member of Azad Jammu and Kashmir Bar Council/ President Bar Association)

OR

ii) Date of incapacity with particulars: _____

(Attached medical certificate of Medical Authority)

Name of Nominee, if any: _____

(See Rule 4.3)

If no nominee, name of person to whom payment is to be made: _____

(See Rule 4.4)

Name of Applicant: _____

FORM "D"

Claim under Chapter V under Rule 7.4

Name of Advocate: _____

Amount of payment sought: _____

(See Rule 5.3)

Reason for seeking payment: _____

Voluntary contributing made to date, if any: _____

(See Rule 2.4(c))

Recommendations of Member Bar Council /
President of Bar Association: _____

(See Rule 5.1)

Signature _____

FROM (E)

NOMINATION FORM UNDER RULE 7.5

Name of Advocate _____

Name of Nominee _____

Share of Nominee _____

Condition if any _____

Signature _____

ATTESTED

Member AJK Bar Council,

Or

President Bar Association.
