

Released by:

Shri Rajendra Prasad Advocate General, Govt. of Rajasthan &

Shri Bhuwnesh Sharma Chairman, Bar Council of Rajasthan

Prahlad Sharma (President)

Sushil Pujari (General Secretary)

All Executive Members
Rajasthan High Court Bar Association, Jaipur



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Rajasthan High Court Bar Association, Jaipur

Price: Rs. 20/-



RAJASTHAN HIGH COURT BAR ASSOCIATION JAIPUR

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THE RAJASTHAN HIGH COURT BAR ASSOCIATION, JAIPUR IN ITS MEETING OF EXECUTIVE HELD ON 12.02.2024 HAS UNANIMOUSLY PASSED THE FOLLOWING RESOLUTION:

RESOLUTION

"RESOLVED that: The Rajasthan High Court Bar Association, Jaipur is hereby decided to enforce the RAJASTHAN HIGH COURT BAR ASSOCIATION ADVOCATES WELFARE FUND RULES, 2024 w.e.f. 10.10.2024

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OBJECT AND REASONS:

The Members of the High Court Bar Association are indispensable part of the justice delivery system. They work indiscriminately irrespective of caste, creed and religion to uphold the constitution, the rule of the law and to earn high dignity of judiciary in the public esteem catering to the needs of the Society. In spite of owing social, moral and legal responsibility they are to lead an unsecured life due to lack of adequate welfare measure at their need.

Average lawyer faces hardships, the rigorous of which can be reduced and softened with purposeful social security and social insurance. The legal profession is no doubt affluent at the top and the upper middle levels, but after that hardship and tragedies should be protected by a unique welfare scheme.

This is an attempt to show beacons light and to give some amount of solace to a deserving member by providing assistance at his need by creating welfare fund of the Association. It is found that the provisions for welfare of the Advocates have been made by the State Bar Council are not sufficient. Therefore in addition to the same, the present Scheme is prepared to provide assistance to the members of the High Court Bar Association in order to lead a decent life with dignity.

To ensure social security to the members of the legal profession in the Rajasthan High Court Bar Association, Jaipur, it has been considered expedient to constitute Welfare Fund to be managed by a committee so that in the event of death, critical illness and disability. He or his nominee or his dependents as the case may be may get from the said fund a lump sum amount calculated on the basis of years of his standing. This measure would provide social security to the members of the legal profession.

1. Short title, extent and commencement:

- (1) These Rules may be called Rajasthan High Court Bar Association Advocates Welfare Fund Rules, 2024
- (2) It extends to the all Advocates who are enrolled with Rajasthan High Court Bar Association, Jaipur
- (3) It shall come into force from 10.10.2024

2. Definitions In these Rules, unless the context otherwise requires:

- (a) "Act" means Advocate's Act, 1961.
- (b) "Advocate" means a person whose name has been entered in the State roll of advocates prepared and maintained by the Bar Council of Rajasthan State under Section 17 of the Advocates Act, 1961 (Central Act 25 of 1961) and who is a Regular Practitioner member of the Rajasthan High Court Bar Association Advocate's Welfare Fund.

- (c) "Advocate Welfare Fund" or "Fund" means, the fund constituted under Rule 3 of these rules.
- (d) "Bar Association" means Rajasthan High Court Bar Association, Jaipur Bench, Jaipur.
- (e) "Bar Council" means the Bar Council of Rajasthan constituted under section of 3 of The Advocates Act, 1961.
- (f) "committee" means Committee established under Rule 4.
- (g) "Critical illness" means following illness:
 - Cancer in any form.
 - ii. T.B.
 - iii. Hepatitis "B'
 - iv. HIV
 - v. Coronary Heart disease for which by-pass/Angioplasty is required.
 - vi. Kidney failure partial or complete, which requires time to time Dialysis and the remedy, is only kidney Transplantation.
 - vii. Liver Disease requiring Liver Transplantation.
 - viii Thalaesamia.
 - ix. Paralysis.
 - x. Neurological disorder.
 - xi. Any other critical illness, which Committee decides on the application, submitted by applicant.

Provided that every such Critical illness has to be certified by the Specialized Doctor of Government Hospital of same disease and verified by any of the 2 (two member) Executives of the Rajasthan High Court Bar Association, Jaipur Bench, Jaipur which thereafter can be accepted by the committee.

- (h) "Dependents" means wife, husband, father, mother, if they are otherwise not able to sustain themselves and unmarried minor children of a member of the Fund and includes his widowed daughter and major children who suffer from physical disability or insanity and who are maintained by him or such of them who survive on his death;
- (i) "Disability" means any physical or mental disability by which more than 10% permanent disablement occurs to the person of an Advocate due to any accident or incident.
- (j) "Executive Committee" means duly elected Executives of the Rajasthan High Court Bar Association, Jaipur Bench, Jaipur.
- (k) "Hospitalisation" means and includes hospitalization of more than three days for any injury and Critical illness.
- (l) "insurer" shall have the meaning assigned to it in clause (9) of section 2 of the Insurance Act, 1938 (4 of 1938);
- (m) "Member of the Fund" means an advocate who is admitted to the benefits of the fund under the provisions of these Rules and continues to be a

- member thereof:
- (n) "Nominee" means nominee appointed by a member of the Fund to receive the benefits arising from such membership in the event of his death;
- (o) "Regular Practitioner" means advocate practicing in the Rajasthan High Court Bench, Jaipur shall be considered as per the criteria laid down herein below:
 - (a) The Advocate must be a member of Rajasthan High Court Bar Association, Jaipur and should be active and a regular practitioner in the Hon'ble Rajasthan High Court Bench, Jaipur.
 - (b) Total number of cases in which the applicant appeared (at least ten Vakalatnama per year or 30 Vakalatnama in total) in the High Court for three years preceding 1" April of the year of consideration on behalf of -
 - (i) Petitioner (applicant/appellant); or
 - (ii) Respondent (non-applicant).
- (p) "Stamp/Welfare Fund Fee Stamp" means, Rajasthan High Court Bar Association Welfare Fund Stamp printed and distributed under Rule 16 or by way of affixture on the Vakalatnama/Memo of Appearance.
- (q) State" means the State of Rajasthan;"
- "Suspension of Practice" means voluntary suspension of practice as an advocate or suspension by the Bar Council for professional or other misconduct;
- (s) "Vakalatnama" means and includes memorandum of appearance or any other document by which an advocate is empowered to appear or plead before the Hon'ble Rajasthan High Court Jaipur, Bench Jaipur, but does not include a memorandum of appearance authorizing an advocate to appear on behalf of another advocate for the purpose of seeking adjournment only, and;
- (t) "Welfare" means statutory procedure or social effort designed to promote the basic physical and material wellbeing of people in need.
- (u) "Year" means a period of twelve months commencing from 1" day of July and ending on the 30th day of June next;
- (v) words and expressions used and not defined in these Rules but defined in The Advocates Act, 1961 and The Rajasthan Advocates Welfare Fund Act, 1987 shall have the meanings respectively assigned to them in that Act.

3. Constitution of Rajasthan High Court Bar Association Advocates Welfare Fund :

- (1) Rajasthan High Court Bar Association, Jaipur Bench, Jaipur shall constitute a Fund to be called the "Advocates Welfare Fund".
- (2) There shall be credit to the Fund:
 - a) an initial amount of five lakhs rupees to be contributed by Rajasthan

- High Court Bar Association, Jaipur Bench, Jaipur to the Fund at the time of its constitution:
- b) any further contribution that may be made by the Rajasthan High Court Bar Association, Jaipur Bench, Jaipur,
- c) the amount paid by the Bar Association under Rule 12.
- d) 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:
- (e) any grant which is made by the State Government to the Fund under appropriation duly made in this behalf
- f) all sums received from the Life Insurance Corporation of India on the death of a member of the Fund under any 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 under Rule 13 towards admission fees, annual subscription and interest thereon; and
- j) all sums collected by way of sale of stamps under Rule 16.

Proviso:

Provided that amount of Rs. 5/- out of Rs. 75/- will be paid to the Advocates Clerk's Association for the Welfare of Advocate Clerks.

k) Fund collected by above means will be deposited in a Nationalized Bank in FDR's as well as in Saving Bank Account in the name of "Rajasthan High Court Bar Advocates Welfare Committee", said Bank Account will be operated by the Chairman, Secretary and one of the Permanent Member of committee. The fund will be used only for the Welfare of Advocates and nobody will be permitted to use the amount of fund, other than Welfare purposes.

4. Establishment of the committee:

- (1) The Executive Committee of the Rajasthan High Court Bar Association, shall, by resolution in the meeting, establish with effect from such date as may be specified therein a committee to be called the Rajasthan High Court Bar Association Advocates Welfare Fund committee",
- (2) The committee shall be a body corporate by the aforesaid name having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contract and shall by the said name sue and be sued.
- (3) The committee shall consist of:
 - (a) President, Rajasthan High Court Bar Association, Jaipur, will be Chiarman of Committee,

- (b) Mr. Prahlad Sharma, Present President & Mr. Sushil Pujari, Present General Secretary, will be Members of the Committee for 5 years.
- (c) Two other members of the Bar Association nominated by the Executive Committee of R.H.C.B.A., Jaipur.
- (d) The General Secretary of the Rajasthan High Court Bar Association, who shall also be Secretary of the committee.
- 5. Disqualification and removal of nominated member of committee No person shall be nominated and continue to be as a member of committee under clause (c) of Sub- Rule (3) of Rule 4 if he:
 - (a) is of unsound mind and stands so declared by a competent court; or
 - (b) is or at any time has been, adjudicated insolvent; or
 - (c) is or has been convicted by a criminal court for an offense involving moral turpitude, unless such conviction has been set-aside; or
 - (d) is a defaulter to the fund; or
 - (e) is debarred from practicing on the ground of professional or other misconduct; or
 - (f) ceases to be an advocate under the Advocates Act, 1961 (Central Act 25 of 1961).

6. Resignation and casual vacancy of Nominated Member :

- (1) Any member nominated under clause (c) of sub-Rule (3) of Rule 4 by the Executive Committee may resign his office by giving three months, notice in writing to the Chairman of the committee, and on such resignation being accepted by the Chairman, committee, the said member shall be deemed to have vacated his office.
- (2) If any member nominated under clause (c) of Sub-Rule (3) of Rule 4:
 - (a) Becomes subject to any of the disqualifications mentioned in Rule 5; or
 - (b) is absent without leave from the committee for more than three consecutive meetings of committee. His seat shall thereupon become vacant.
- (3) A casual vacancy of a nominated member arising under sub-Rule (1) and sub-Rule (2) shall be filled in as soon as possible in the same manner and for the remaining term or duration as is mentioned in Rule 4.
- 7. Act of committee not to be invalidated by vacancy, defect or irregularity:

 Any act done or proceedings taken, under these rules by the committee shall be invalidated merely by reason of-
 - (a) any vacancy or 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 proceedings not affecting the merit of the case.

8. Vesting and application of Fund - The fund shall vest in and be held and applied by the committee to the provisions and for the purposes of these Rules.

9. Functions of committee-

- (1) The committee shall administer the Fund.
- (2) In the administration of the Fund, the committee shall, subject to the provisions of these rules.
 - (a) collect, preserve, manage and utilize the Fund;
 - (b) Fund in trust; hold the amounts and assets belonging to the Trust.
 - (c) receive applications for admission or re-admission to the fund and dispose of such applications within ninety days from the date of receipt thereof;
 - (d) receive applications from the members of the Fund, their nominee, dependents or legal representatives, as the case may be, for payment out of the Fund, and conduct such enquiry as it deems necessary for disposal of such applications and shall dispose of the applications within ninety days from the date of receipt thereof;
 - (e) record in the minutes book of the committee its decision on the applications received under clauses (c) and (d);
 - (f) pay to the applicant amounts at the rates specified in the Schedule:
 - (g) communicate to the applicant by registered post with acknowledgement due its decision on the applications for admission or re-admission to the Fund or claims to the benefit of the Fund;
 - (h) appoint such officers and servants as it may think necessary for carrying out the purposes of this Act on such terms and conditions as may be prescribed; and
 - (i) do such other acts as are, or may be, required to be donc by it under these rules.

10. Accounts and Audit:

- (1) The committee shall keep and maintain books of accounts and other books in such form and in such manner as may be prescribed.
- (2) The accounts of the committee shall be audited annually by a Chartered Accountant appointed by the Rajasthan High Court Bar Association, Jaipur.
- (3) The accounts of the committee as audited by the Chartered Accountant together with his audit report thereon shall be forwarded to the Rajasthan High Court Bar Association by the committee and the Bar Association may issue such directions, as it deems fit, to the committee in respect thereof.
- (4) The committee shall comply with the directions issued by the Rajasthan High Court Bar Association under Sub-Rule (3)
- (5) The committee shall pay from the Fund the charges for the audit.

- 11. Powers and duties of Secretary: The Secretary of the committee shall-
 - be the chief executive authority of the committee and responsible for carrying out its decisions;
 - (b) represent the Trust Committee in all suits and proceedings for and against the committee;
 - (c) authenticate by his signatures all decisions and instructions of the committee,
 - (d) operate the bank accounts of the committee jointly with the Chairman of the committee or his nominee.
 - (e) convene meetings of the committee and record its minutes;
 - (f) attend the meetings of the committee with all necessary records and information.
 - (g) maintain such forms, registers and other record as may be prescribed from time to time and do all correspondence relating to the committee;
 - (h) prepare an annual statement of business transacted by the committee during each financial year, and
 - (i) do such other acts may be directed by the committee.
- **12. Transfer of Certain Money to the Fund** The Bar Association shall pay to the Fund annually an amount equal to twenty percent of the Membership fees realized by it.

13. Membership in the Fund:

(1) Every advocate who is a valid member of Rajasthan High Court Bar Association, Jaipur and is also practicing before Rajasthan High Court Bench, Jaipur who is legally authorized by any law to take evidence or to adjudicate or decide any dispute in the High Court shall apply to the committee for admission as a member of the fund in such form as may be prescribed.

Provided that such advocate has not attained the age of 50 years on the date of submission of application seeking admission to the Fund.

*Exemption for one time arrangement only: All the members who have already attained the age of 50(Fifty) Years and who are deemed to be regular practitioner as defined above, on the date of commencement of these rules will also be considered as eligible for the membership in the fund, if they apply for the same within 3 months. It also clarified here that the membership under this head shall be subject only to the final approval of the committee.

(2) On receipt of an application under Sub-Rule (1), the committee shall make such enquiry as it deems fit and 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 against rejection of his application.

- (3) Every applicant shall pay an admission fee of Rs. 500/- in lump-sum along with application for membership which shall be credited to the account of committee.
- (4) In the event of rejection of the application, the admission fee paid shall be refunded to the applicant.
- (5) Every member shall pay **in advance** an annual subscription to the Fund on or before the 31" March of every year of the following rates, namely:
 - (i) Where the standing of the Advocate at the Bar is less than five years Rs. 1000/- (ii) Where the standing of the Advocate at the Bar becomes
 - (ii) five years or is less than ten years Rs.2,000/-
 - (ii) Where the standing of the Advocate at the Bar is ten years or more-Rs.3,000/-

Providing that a member of the Fund may deposit lumpsum a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) and is that event he shall not be required to pay annual subscription.

Provided further that the prospective member shall pay the full subscription of the current year along with the admission fee to the Fund.

- (6) Any member who fails to remit the annual subscription on or before the due date mentioned in Sub-Rule (5) shall, upon notice in writing of one month being (issued to him under postal certificate) by the committee be liable to be removed by the committee from the membership of the Fund.
- (7) A person removed from the membership of the Fund under sub-Rule (6) shall be re-admitted by the committee to the Fund on payment of the arrears of subscription due against him along with interest thereon at the rate of 1.50 rupees per hundred per month from the date the subscription became due and 100/- rupees as re-admission fee within one year from the date of removal:
 - Provided that where a member does not move application for re-admission within stipulated period the amount deposited by way of subscription shall be stand forfeited.
- (8) A member of the Fund may, at any time after his admission to the membership of the fund, make a nomination in the prescribed form appointing one or more person to receive the benefits arising from his membership of the Fund in the event of his death.
- (9) If a member nominates more than a person under Sub- Rule (8), 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 due to him,

(10) A member may at any time cancel his nomination by sending notice in writing to the committee and in that event, he shall be entitled to make a fresh nomination during the continuance of his membership in accordance with sub- Rule (8).

14. Payments from the Fund on cessation of Practice :

- (1) A member of the Fund who completes a period of five years' practice after he becomes member of the Fund shall, subject to the provisions of these Rules, be entitled on cessation of practice to receive out of the Fund an amount corresponding to the member of years of his standing at the rate specified in the Schedule.
- (2) The period during which a member of the Fund remained under suspension shall not be considered for the purpose of counting the years of standing:

Provided further that in the event of death of a member the sum payable under this sub-Rule shall be the amount as specified in the Schedule.

- (2) In the event of death of a member of the fund, the amount to which the member was entitled shall be paid to his nominee or where there is no nominee, to his dependents and in absence thereof, to his legal heirs subject to their obtaining a succession certificate from the competent court.
- (3) The amount payable as per sub-Rule (1) can be claimed after completion of fifteen years practice as an advocate or on attaining fifty years of age, whichever is later but the member will have to seek retirement as an advocate and shall not be entitled to be enrolled as an advocate and to become member of the fond again.
- (4) An application for payment of the amount from the Fund admissible to a member shall be made by him to the committee in such form as may be prescribed.
- (5) An application received under Sub-Rule (3) or Sub-Rule (4) shall be disposed of by the committee after such enquiry as it deems necessary.

15. Restriction on benefits from Fund:

- (1) Notwithstanding anything to the contrary contained in these rules, if any Advocate after his admission to the Fund joins an employment he shall cease to be a member of the Fund and if he, thereafter, gets readmission to the Fund within a period of fifteen years, he shall be entitled to the benefit as per the schedule appended for such number of years of standing as he remains member of the Fund before joining such employment and after such re-admission.
- (2) Notwithstanding anything contained in these rules, a person who gets himself enrolled or resumes as an Advocate after serving under any employer for a period of not less than fifteen years, shall not be entitled to become a member of the Fund nor to receive any benefit of the Fund.

16. Printing and distribution of stamps by committee/Bar Association:

- (1) committee / Bar Association, shall cause to be printed and distributed Welfare Fund stamps of the value of Rs.75/- (Rupees Seventy Five) with these Trustze Committee/Bar Association emblem and its value along with serial number inscribed thereon.
- (2) The stamps shall be of the size 1 inch X 2 inch and will be sold only to members of the Bar Association.
- (3) The custody of the stamps shall be with the committee/Bar Association.
- (4) The committee / the Bar Association shall control the distribution and sale of the stamps through Bar Association.
- (5) The committee/ the Bar Association shall keep proper accounts of the stamps in such form and in such manner as may be prescribed.
- (6) The Stamp Vendor may also purchase stamps directly from the Bar on payment of the face value of the stamps less commission of 2% on such face value.

17. Vakalatnama to bear stamp:

- (1) Every Member of Rajasthan High Court Bar Association, Jaipur shall affix Welfare Fund fee Stamp of rupees referred to in sub-rule (1) of Rule 16 on every Vakalatnama filed by him before any Court of Law, if any Member of the Rajasthan High Court Bar Association, Jaipur is found not to affix the above stamp, then he will not be eligible to continue his Membership in the Bar Association, Jaipur.
- **18**. **Cancellation of Stamps**: Every stamp affixed on Vakalatnama under Sub-Rule (1) of Rule 17 filed in any Court or Tribunal or before any other authority shall be cancelled in the manner provided under Section 68 of the Rajasthan Court Fees and Suits Valuation Act, 1961 (Rajasthan Act No.23 of 1961).
- **19. Meeting of committee :** The Trustce Committee shall meet, at least once in three calendar months or more often, if found necessary to transact business under this Act or the rules made there under.

20. Manner of holding Meeting -

- (1) One-fourth members of the committee shall form the quorum for the meeting of the committee.
- (2) The Chairman or in his absence a member elected by the members of the committee present shall preside over a meeting of the committee.
- (3) The meetings of the committee shall ordinarily be held at the office of the Bar Association.
- (4) any matter coming up before the meeting of the committee shall be decided by a majority vote of the members present and voting at the meeting and in the case of an equality of votes, the chairman or the member presiding over the meeting shall have a casting vote.

21. Ex-Gratia grant to a member of the Fund

(1) The committee, on an application submitted to it, and after being satisfied about the genuineness of the claim, may allow ex-gratia grant to a member from the fund-

- (a) in the case of hospitalization, involving a major surgical operation;
- (b) in the case of suffering from Critical illnesses or disabilities as defined under Rule 2
- (2) The grant so allowed shall not exceed a sum of Rs.50,000/- in cases falling under clause (a) and Rs.75,000/- in cases falling under clause (b): Provided that the claim shall not be more than once in a period of five years.
- **22. Group Life Insurance for members and other benefits :** The 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 medical and educational facilities for the members of the fund and their dependents including an insurance for that purpose; or
 - (c) provide for such other benefits and amenities as may be prescribed.

23. Restriction on alienation, attachment, etc. of interest of member, in the Fund -

- (1) Notwithstanding anything contained in any other law for the time being in force, the interest of any member in the Fund, or the right of a member or his nominee, dependents of 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 other authority or person.
- (2) No creditor of a member of the fund shall be entitled to proceed against the Fund or the interest therein of such member or his nominee, dependents or legal heirs.
- **24. Bar of jurisdiction of civil courts :** No civil court shall have jurisdiction to settle, decide or deal with any question or t determine any matter which is by or under these rules, required to be settled, decided or dealt with or to be determined by committee.
- 25. Power to summon witnesses and to take evidence: The committee shall, for the purposes of any enquiry under these rules, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely:
 - (a) enforcing the attendance of any person or examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on oath by affidavit, and
 - (d) issuing commissions for the examination of witnesses.
- 26. **Power to amend rules -** The Bar Association, may with the previous approval of the committee can make or amend these rules for carrying out the purposes of these Rules, if any, by way of a public notification which has to be approved either by the general house of the Rajasthan High Court Bar Association, Jaipur or by the way of circulation of the same.

SCHEDULE

(See Rule 14)

Upto 5 Years Membership	Rs. 1,50,000/-
Upto 10 Years Membership	Rs. 2,00,000/-
Upto 15 Years Membership	Rs. 2,50,000/-
Upto 20 Years Membership	Rs. 3,00,000/-
Upto 25 Years Membership	Rs. 3,50,000/-
Upto 30 Years Membership	Rs. 4,00,000/-
Upto 35 Years Membership & Above	Rs. 5,00,000/-

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1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 (1)(2), 2017 (1)(2), 2018 (1)(2), 2019 (1)(2), 2020 (1), 2021 (1)(2)

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