

**GOVERNMENT OF JAMMU AND KASHMIR**  
**Department of Law, Justice and Parliamentary Affairs**  
**Civil Secretariat, Jammu/Srinagar**

**Notification**  
**Jammu, 05<sup>th</sup> January, 2023**

**S.O 18** .—In exercise of the powers conferred by section 35 of the Advocates' Welfare Fund Act, 2001 read with the Government of India, Ministry of Home Affairs Notification No. U-11030/1/2001-UTL dated the 25th October, 2001, the Lieutenant Governor of the Union Territory of Jammu and Kashmir, hereby makes the following rules, namely:-

**1. Short title and commencement.**— (1) These rules may be called the Jammu and Kashmir Advocates' Welfare Fund Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**— (1) In these rules, unless the context otherwise requires,—

- a) "**Act**" means the Advocates' Welfare Fund Act, 2001 (45 of 2001);
- b) "**Government**" means the Government of Jammu and Kashmir;
- c) "**Secretary**" means the Secretary of the Jammu and Kashmir Advocates' Welfare Fund Trustee Committee;  
Provided that till the Bar Council of Union Territory of Jammu and Kashmir is duly constituted, the powers of Secretary of the Jammu and Kashmir Advocates' Welfare Fund Trustee Committee shall be exercisable by the Administrative Secretary, Department of Law, Justice and Parliamentary Affairs; and
- d) "**Section**" means a section of the Act;

(2) Words and expressions used in these rules, but not defined herein, shall have the same meanings as are assigned to them under the Act.

**3. Credit to Fund.**— (1) The Secretary shall collect all sums specified in sub-section (2) of section 3 and deposit the same in the bank account of the Trustee Committee in a scheduled bank forthwith.

(2) Separate accounts shall be maintained for the sums received under each of clauses (a) to (j) of sub-section (2) of section 3.

*Asst. Secy*

**4. Office.**—The Office of the Trustee Committee shall be at Jammu/ Srinagar as may be notified by the Government.

**5. Annual statement of accounts.**— The Trustee Committee shall prepare annual statement of income and expenditure in Form-I.

**6. Preparation of Budget estimates.**— The Secretary shall prepare budget estimates of income and expenditure for the coming year, which shall be placed before the Trustee Committee for approval before the 31<sup>st</sup> day of March every year.

**7 Administrative expenditure, payments and investments.**— All administrative expenditure, payments and investments shall be -approved by the Trustee Committee. An expenditure or payment of a contingent nature may be sanctioned by the Chairperson up to twenty thousand rupees and by the Secretary up to ten thousand rupees, which shall be placed before the Trustee Committee for ratification at its next meeting.

**8. Annual Report.**— The Trustee Committee shall prepare an annual report for financial year before the end of 30<sup>th</sup> day of June of the following year in Form-II. An authenticated copy of the annual report shall be submitted to the Government within next fifteen days.

**9. Meetings.**— (1) The date and time for a meeting of the Trustee Committee shall be fixed by the Secretary with the prior approval of the Chairperson and the Secretary shall give seven clear days' notice to the Members.

(2) In case of urgency, the Chairperson can convene a meeting of the Trustee Committee at a short notice.

(3) An agenda for every meeting of the Trustee Committee shall be prepared by the Secretary with the approval of the Chairperson and shall be circulated to all the Members.

(4) The quorum necessary for the transaction of business at a meeting of the Trustee Committee shall be three Members.

(5) Where a Meeting has been adjourned for lack of quorum, the business which would have been brought before the original meeting if there had been a quorum present thereat, shall be brought before, and may be transacted at an adjourned meeting.

(6) The Chairperson or in his absence such other Member present as is decided by the Trustee Committee shall preside at every meeting .of the Trustee Committee.

*Asst. Secy*

(7) All matters brought before any meeting of the Trustee Committee shall be decided by a majority of the votes of the Members present and voting.

(8) The Chairperson or the person presiding over a meeting shall have and exercise a second or a casting vote in all cases of equality of votes.

(9) It shall be open to any Member to raise any matter not included in the agenda with the permission of the Chairperson.

(10) The minutes of the meeting shall be recorded by the Secretary and circulated to the Members, as early as possible, after approval by the Chairperson.

(11) At the next meeting of the Trustee Committee, the approved minutes of the previous meeting shall be read and confirmed.

(12) Meetings of the Trustee Committee shall, ordinarily, be held at its Office.

**10. Maintenance of Records and Registers by Trustee Committee.**— (1) The Secretary shall maintain the following records and registers namely:-

- i. Register of meetings of the Trustee Committee and minutes of such meetings;
- ii. Register of the sums paid to the Fund under separate heads specified in sub-section (2) of section 3;
- iii. Register of all sums collected under separate heads under section 18;
- iv. Register of members of the Fund;
- v. Register of payments to members of the Fund, their dependents, nominees and legal heirs under separate heads;
- vi. Register of members of the Fund under suspension;
- vii. Register of members of the Fund who have ceased to practice;
- viii. Register of all enquiries made by the Trustee Committee;
- ix. Register of the staff appointed by the Trustee Committee;
- x. Day Book;
- xi. Ledger;
- xii. Cash Book;
- xiii. Receipt Book with inner foil;
- xiv. Voucher file;
- xv. All Forms hereby prescribed;
- xvi. Record of all forms, application and other documents received;
- xvii. Record of all correspondence and other business transacted by the Trustee Committee;
- xviii. Other registers, files and records as may be required.

*Section*

(2) Registers, etc. shall be maintained in the format as laid down by the Trustee Committee in consultation with the chartered accountant appointed under sub-section (2) of section 13.

**11. Application for recognition of an association of advocates.—** An association of advocates functioning in any court, tribunal or other authority shall apply for recognition to the Bar Council of Union Territory of Jammu and Kashmir under sub-section (1) or sub-section (2) of section 16, in Form III.

**12. Recognition.—** (1) The Bar Council of Union Territory of Jammu and Kashmir may issue a certificate of recognition in Form IV, after conducting an enquiry for verification of antecedents and activities that are consistent with the Constitution of India, on the application made under rule 11.

(2) The Bar Council of Union Territory of Jammu and Kashmir may recognize more than one association of advocates functioning at a particular court, tribunal or other authority.

(3) The Bar Council of Union Territory of Jammu and Kashmir shall prepare a list of recognized associations of advocates and update the same from time to time.

*Accepted*

**13. Application for membership of Fund.—** (1) An advocate shall apply for admission as a member of the Fund, under sub-section (1) or sub-section (2) of section 18, in Form V.

(2) An advocate having membership in more than one association of advocates shall so apply from any one of them.

(3) Any member of the Fund, who fails to pay the annual subscription for any year before the 31st day of March of that year, shall be liable to be removed from the membership of the Fund.

**14. Application for re-admission as a member of Fund.—** An advocate shall apply for re-admission as a member of the Fund, under sub-section(7) of section 18, in Form VI.

**15. Certificate of membership.—** The Trustee Committee shall issue a certificate of membership in Form VII.

**16. Reduction of amount on failure to intimate removal or suspension.—** (1) Every member of the Fund shall within fifteen days of his removal from the State roll under section 26-A of the Advocates Act, 1961 or suspension of practice, intimate the same to the Trustee

Committee.

(2) If a member of the Fund fails to intimate under sub-rule (1), the amount payable to a him under the Act may be reduced, under sub-section (12) of section 18, only after conducting a suitable inquiry and the reduction shall not exceed twenty-five per cent of such amount.

**17. Cessation of practice and payment.**— (1) A member of the Fund, his nominee or legal heir, as the case may be, shall intimate to the Trustee Committee as to his cessation of practice, along with the necessary proof thereof.

(2) The Trustee Committee shall, after such inquiry as it deems necessary, pay to the claimant, the amount at the rate specified in Schedule I to the Act within thirty days of the receipt of intimation.

**18. Schemes for benefits of members of the Fund.**— The Trustee Committee may introduce schemes for any benefit for the members of the Fund and their dependents, under section 24.

**19. Disposal of claims.**— An application claiming ex-gratia grant under section 19 or any benefit under any scheme under section 24, after being satisfied about the genuineness of the claim, shall be disposed of by the Trustee Committee within thirty days of the receipt thereof.

*Section*  
**20. Appeal to the State Bar Council.**— (1) An appeal to the Bar Council of Union Territory of Jammu and Kashmir against any decision or order of the Trustee Committee, under section 25, shall be in form VIII.

(2) The Bar Council of Union Territory of Jammu and Kashmir may devise its own procedure for hearing and disposal of an appeal.

(3) An appeal shall be disposed of by the Bar Council of Union Territory of Jammu and Kashmir within sixty days from the date of filing thereof.

**21. Value and Design of Stamps.**— (1) Stamps shall be printed in the denominations of five rupees and ten rupees.

(2) Every stamp shall have the emblem of the Bar Council of Union Territory of Jammu and Kashmir with the inscription of the words "The Bar Council of Union Territory of Jammu and Kashmir" along with the words "Advocates' Welfare Fund Stamp" as well as its value in terms of rupees.

**22. Accounts of Stamps.**— (1) The Bar Council of Union Territory of Jammu and Kashmir, the Bar Associations and the Advocates' Associations recognized by the Bar Council under section 16 shall keep

accounts of the stamps in Form — IX and shall also maintain the following:

- i. Register showing the stock of stamps;
- ii. Register of sale/purchase of stamps;
- iii. Register showing printing/distribution of stamps;
- iv. Day Book;
- v. Ledger;
- vi. Cash Book;
- vii. Receipt Book with inner foil;
- viii. Voucher file;
- ix. Other registers, files and records as may be required.

(2) Registers, etc., shall be maintained in proper format.

**23. Cancellation of Stamps.**—(1) No vakalatnama requiring a stamp under the Act shall be filed or acted upon in any proceeding in any court, tribunal or other authority until the stamp has been cancelled.

(2) Such officers as the court, tribunal or other authority may, from time to time, appoint shall, on receiving any such vakalatnama, forthwith effect such cancellation by punching out the figure and the part removed by punching shall be burnt or mutilated or otherwise destroyed.

**By Order of the Lieutenant Governor.**

Sd/-

(Achal Sethi)

Secretary to Government

Dated: 05-01-2023.

No: LAW-Jud/130/2022-10

Copy to:

1. Ld. Advocate General, J&K, Jammu.
2. Financial Commissioner (Additional Chief Secretary), Finance Department.
3. Financial Commissioner (Additional Chief Secretary), Home Department.
4. Principal Secretary to the Lieutenant Governor.
5. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
6. Secretary to Government, General Administration Department.
7. Registrar General, High Court, of Jammu and Kashmir and Ladakh, at Jammu
8. Principal Secretary to Hon'ble Chief Justice, High Court of Jammu and Kashmir and Ladakh, Jammu.
9. Director, Archeology, Archives and Museums, J&K, Jammu.
10. Chairman Bar Council of India.
11. General Manager, Government Press, Srinagar for publication in an extraordinary issue of Government Gazette.
12. In-charge Website, Department of Law, Justice & PA.
13. S.O Section, Department of LJ&PA (w. 7. s.c).
14. Concerned file.

*Ashish Gupta*  
05.01.23

(Ashish Gupta)

Additional Secretary to Government



FORM -II  
(See rule 8)  
**ANNUAL REPORT**

Particulars to be reported:

- (a) Financial Highlights
- (b) Range of activities undertaken to promote welfare of members
- (c) New assets added during the year
- (d) Any other matter(s) as may be considered by the "Committee" and approved for reporting in the Annual Report.

*Reshma*

Signature

Name

Designation

(With Seal)

FORM III

[See rule 11]

**Application for recognition under sub-section (1) or sub-section (2) of section 16**

1. Name of the Association.....
2. Whether registered under the Societies Registration Act, 1860 or other similar Act (Give details).....  
.....
3. Name and place of Court, Tribunal, other Authority in which the Association is functioning.....
4. Number of members of the Association at the time of application (list of names, addresses, date and numbers of enrolment, age of members and their ordinary place of practice) (Supply details by separate Annexure).....
5. Names and addresses of the President, Vice-President, Secretary, Treasurer and other office-bearers at the time of presentation of the application (Supply details by separate Annexure).....
6. Memorandum of Association, Rules, Regulations and bye-laws of Association (annex copies thereof).....

*Asst. Secy*

**DECLARATION**

We.....and.....solemnly affirm that the particulars stated above are true and correct. The Association owes its allegiance to the Constitution of India.

Place.....

Date

**President/Vice President**

**Secretary**

(Seal of the Association)

FORM IV  
[See rule 12(1)]

BAR COUNCIL OF UNION TERRITORY JAMMU AND KASHMIR

Certificate of Recognition

The Bar Council of Union Territory Jammu and Kashmir do hereby certify that the .....Association is recognized under sub-section (4) of section 16 of the Advocates' Welfare Fund Act, 2001 and its Recognition No is.....

*Reshma*

Given under my hand and seal of the Bar Council of Union Territory Jammu and Kashmir dated this the..... day of.....  
.....20.....

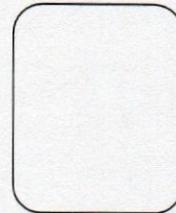
Chairman

(Seal)

FORM V  
[See rule 13(1)]

**Application for admission as a member of the Fund under sub-section (1) or sub- section (2) of section 18.**

The Secretary,  
Jammu and Kashmir Advocates' Welfare Fund Trustee Committee,  
.....(Office address).



*Section*

Sir,

I apply for admission as a member of the Fund:

1. Name of the applicant (in block letters).....
2. Father's /Husband's Name : .....
3. Age and Date of Birth(attach proof).....
4. Address(residence)..... PIN.....  
Telephone..... Fax..... E-Mail.....  
Address(office)..... PIN.....  
Telephone..... Fax..... E-Mail.....
5. Date of Enrolment as an Advocate and its Number with the Bar Council (attach copy of Enrolment Certificate)
6. Date since practicing as Advocate:.....
7. Usual place(s) of practice (also give name(s) of Court/Tribunal/Other Authority).....  
.....  
.....
8. Name of the Association of Advocates of which the applicant is a member through which the applicant claims benefit under the Act:.....  
.....
9. Whether practice discontinued for any period and reasons therefor:.....  
.....
10. Whether the applicant is in part/full-time service; if yes, give particulars:.....  
.....
11. Name and address of the nominee(s); the amount or share payable to each of the nominees:

.....  
.....  
12. Name, age and other particulars of dependent :

.....  
.....  
13.. Mode of payment of application fee :

.....  
.....  
**DECLARATION**

- a) I hereby declare that the above particulars are true to my personal knowledge.
- b) I hereby undertake to abide by the provisions of the Act, Rules and directions, etc., made there under.
- c) I further declare that if any statement of fact stated in this Application is found to be false at any time, my name shall be liable to be struck off as a member of the Fund.

Signature of the Applicant Advocate

*Ashtar*  
Dated:

Forwarded with the certificate that the applicant is a member of the Association of Advocates mentioned in column 8 of this Application.

Dated:

President/Vice-President /Secretary  
of the Association of Advocates

(Seal of the Association of Advocates)

FORM VI.  
(See rule 14)

**Application for re-admission as a member of the Fund under sub-section (7) of section 18**

The Secretary,  
Trustee Committee,  
.....Jammu and Kashmir Advocates' Welfare Fund,  
.....(Office address).

Sir,

I apply for admission as a member of the Fund:

1. Name of the applicant (in block letters) .....
2. Particulars of admission as a member of the Fund(attach Original Certificate):.....  
.....
3. Reasons for non-payment of the annual subscription  
.....  
.....
4. Mode of payment of the arrears and re-admission fee:.....

*Asst Secy*

**DECLARATION**

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

Place

Dated :

.....  
Signature of the Applicant

FORM VII  
[See rule 15]

THE JAMMU AND KASHMIR ADVOCATES' WELFARE  
FUND TRUSTEE COMMITTEE WELFARE

Certificate of Member ship of the Fund

The Jammu and Kashmir Advocates' Welfare fund Trustee  
Committee certify that  
Mr. / Ms.....is admitted to the Membership of  
the Jammu and Kashmir Advocates' Welfare Fund under section 18  
of the Advocates' Welfare Fund Act, 2001 and his/her Membership  
No. is.....

Given under my hand and seal of the Trustee Committee.

Dated this the..... day of.....of the year.....

Seal

Chairperson

*Accepted*

FORM VIII  
[See rule 20 (I)]

Before the Bar Council of Union Territory of Jammu and  
Kashmir.....

MEMORANDUM OF APPEAL

[Under section 25 of the Advocates' Welfare Fund, Act, 2001]

A.W.F. Appeal No..... of.....  
Between:

(Name and Address of the Appellant) ..... Appellant  
and

(Name and Address of the Trustee Committee) ..... Respondent

1. The appellant files this appeal against the decision/order dated..... of the Respondent Trustee Committee.
2. Date of receipt of decision/order.
3. Statement of facts.
4. Grounds of appeal.
5. The appeal is in time.
6. The appellant has paid twenty-five rupees as fees for the appeal on .....by..... (mode of payment).
7. Reliefs claimed.

Place:

Date:

(Appellant)

( )

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

(Appellant)

( )

Enclosures:

1. Certified copy of the decision/order of the Trustee Committee.
2. Proof of payment of twenty-five rupees.

*Ass/Am*

