MANIPUR ADVOCATES' WELFARE FUND RULES, 2016

MANIPUR I GAZETTE No. 462 EXTRAORDINARY PUBLISHED BY AUTHORITY Imphal, Saturday, December 24, 2016 GOVERNMENT OF MANIPUR (Pausa 3, 1938) SECRETARIAT : LAW AND LEGISLATIVE AFFAIRS DEPARTMENT NOTI Fl CATION Imphal, the 22nd December, 2016 No. 9/4/2009-Law (Misc) In exercise of the powers conferred by Section 36 of the Advocates Welfare Fund Act, 2001 (45 of 2001), the Governor of Manipur is pleased to make the following rules, namely : THE MANIPUR ADVOCATES' WELFARE FUND RULES, 2016 1. Short title and commencement : - (1) These rules may be called the Manipur Advocates' Welfare Fund Rlules, 2016. (2) They shall come into force on the date of their publication in the Official Gazette of Manipur

2. Definition : - In these rules, unless the context otherwise requires (a) (b) (c) (d) 3. Credit (1) (2) 4. Office "Act" means the Advocates' Welfare Fund Act, 2001 (45 of 2001); "Secretary" means the Secretary of the Trustee Committee; "section" means a section of the Act; Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to -them under the Act. to Fund The Secretary shall collect all sums specified in sub-section (2) of section 3 of the Act and deposit the same in the bank account of the Trustee Committee in a Scheduled Bank immediately; Separate acccount shall be maintained for the sums received under each of clause (a) to (j) of sub-section (2) of section 3 of the Act. The office of the Trustee Committee shall be at Imphal

5. Annual of accounts The Trustee Committee shall prepare annual statement of income and expenditure in the Form as laid down by the Trustee Committee in consultation with the Chartered Accountant appointed under sub-section (2) of section 13 of the Act.2 6. Preparation of budget estimates:- The Secretary shatl prepare budget estimates of income and expenditure for the coming year which shall be placed before the Trustee Committee for approval before the 31 st March of every year

7. Administration of expenditure, payments and Investments:- All administrative expenditure, payments and investment shall be approved by the Trustee Committee. An expenditure or payment of a contingent nature may be sanctioned by the Chairperson upto Rupees Twenty thousand and by the Secretary upto Rupees Ten thousand, which shall be placed before the Trustee Committee for ratification at next mecting

8. Annual report- The Trustee Committee shall prepare an annual report for financial year before the end of 30t' June of the following year in the Form as laid down by the Trustee Committee in consultation with the Chattered Accountant appointed under sub-section (2) of section 13 of the Act. An authenticated copy of the annual report shall be submitted to the Government within next 15 days

9. Meetings:- (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) The date and time for a meeting of the Trustee Committee shalt be fixed by the Secretary with the prior approval of the Chairperson and the Secretary shall give 7 clear days notice to the Members. In case of urgency, the Chairperson can convene a meeting of the Trustee Commitee at short notice. The Secretary shall prepare agenda items for the meetings of the Trustee Committee with the approval of the Chairperson and circulate it to all the Members, The quorum necessary for the of business at a meeting of the Trustee Committee shall be three Members. Where a meeting has been adjoumed for lack of quorum, the business which would have been brought, before the original meeting if there had been a quorum present thereat shatt be brought before, and may be transacted at an adjoumed meeting. The Chairperson on his absence, such other Member present as is decided by the Trustee Committee shall preside at every meeting of the Trustee Committee. 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. The Chairperson or the person presiding over a meeting shalt have and exercise a second or a casting vote in all cases of equality of votes. It shall be open to any Member to raise any matter not included in the agenda with the permission of the Chairperson. 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. (12) 3 At the next meeting of the Trustee Commitee, the approved minutes of the previous meeting shall be read and confirmed. Meeting of the Trustee Commitee shall ordinarily be held at its office

10. Maintenance of Records and Registers by Trustee Committee:- (1) The Seætary shall maintain the following:- (iii) (v) (vii) (viii) (ix) (x) (xi) (xii) (xiii) (xiv) (w) (xvi) (xvii) (wiii) Register of meetings of the Trustee Committee and minutes of such meetings; Register of the sums paid to the Fund under separate heads specified in sub- section (2) of section 3; Register of all sums collected under separate heads under section 18; Register of members of the Fund; Register of payments to members of the Fund, their dependents, nominees and legal heirs under separate heads; Register of members of the Fund under suspension; Register of members of the fund who have ceased to practice; Register of all enquiries made by the Trustee Committee; Register of the staff appointed by the Trustee Committee; Day Book; Ledger; Cash book; Receipt Book with inner foil; Voucher file; Al Forms hereby prescribed; Record of all forms, applications and other documents received; Record of all correspondence and other business transacted by the Trustee Committee; Other registers, files and records as may be required.(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 section13

11. Applicaüon for recognition of an association ofadvocates:- An association of advocates functioning in any coun, tribunal or other authority shall apply for to the State Bar Council, under sub-section (1) or sub-section (2) of section 16 of the in

Form 11, ater such enquiry as it deems necessary, on the application made under Rule 11.4 (2) The State Bar Council may recognize more than one association of advocates functioning at a particular court, tribunal or other authority. (3) The State Bar Council shall prepare a list of recognized associations of advocates and update the same from time to time

13. Application for membership of Fund:- (1) An advocate may apply for admission as a member of the Fund, under sub-section (1) or sub-section (2) of section 18, in

Form Ill.(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 310t 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 V

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 him under the Act may be reduced, under subsection (12) of section 18, only after conducting a suitable inquiry and the reduction shall not exceed twenty-five percent 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 aner such inquiry as it deems necessary, pay to the claithant, the amount at the rate specified in Schedule 1 to the Act within thirty days of the receipt of the 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 of the Act.5 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

20. Appeal to State Bar Council:- (1) An appeal to the State Bar Council against any decision or order of the Trustee Commitee under section 25 shall be in Form YI, (2) The State Bar Council may devise its own procedure for hearing and disposal of an appeal.(3) An appeal shall be disposed of by the State Bar Council within sixty days from the date of filing thereof

21. Value and Design of Stamps:- (1) Stamps shall be printed in the denominations of twenty rupees and thirty rupees.(2) Every stamp shall have the emblem of the State Bar Council with the inscription of the words "The Bar Council of Manipur along with the words "Advocates' Welfare Fund Stamp" as well as its value in terms of rupees

22. Accounts of stamps:- (1) The State Bar Council, the State Bar Association and the State Advocates' Association shall keep accounts of the stamps in the Form as laid down by the Trustee Committee in consultation with the Chartered Accountant appointed under sub-section (2) of section 13 of the Act and also maintain the following: (ii) (iii) (iv) (v) (vi) (vii) (Viji) (ix) Register showing the stock of stamps; Register of sale/purchase of stamps; Register showing printing/distribution of stamps; Day Book; Ledger; Cash Book; Receipt Book with inner foil; Voucher file; 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 oficers as the court, tribunal or other authority may, from time to time, appoint shell on receiving 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. 6 FORM (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.... u. .

4. Number of members of the Association at the time of application (list of names, addresses, dates 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)..... DECLARATION and... ...solemnly affirm that the particulars stated above are true and correct. Place.... Date... (Seal of the Association) PresidentNice-President Secretary 7 FORM {See Rule 12(1)} BAR COUNCIL OF Certificate of Recognition , ...do hereby certify that the... . The Bar Council of Assodation is recognized under sub-section (4). of Section 16 of the Advocates' Welfare Fund Act, 2001 and its

Recognition No. is.... Given under my hand and seal of the Bar Council of 200...,. Dated this the... ..day of (Seal) Chairman 8 FORM {See Rule 13 Application for admission as a member of the Fund under sub-section (1) or sub-section (2) of Section 18 The Secretary, Trustee Committee, (State/Union Territory) Advocates' Welfare Fund, (office address) Fax.. Sir, 1. 2. 3, 4. 5. 7. 8

9. Photograph I apply for admission as a Member of the Fund, Name of the applicant (in block leters) Father's/Husband's name Age and date of birth (attach proof)... Address (residence)... Telephone Address (office)... Fax s email.....,. e-mail... ... . Telephone Date of Enrolment as an Advocate and its Number with the Bar Council (attach copy of Enrolment Certificate) Date since practicing as Advocate Usual place (s) of practice (also give name (s) of Court/Tribunal/other Name of the Association of Advocates of which the applicant is a member through which the applicant claims benefit under the Act 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.... , 9 12. Name, age and other particulars of dependants 13. Mode of payment of application fee DECLARATION (i) I hereby declare that the above particulars are true to my personal knowledge. (ii) I hereby undertake to abide by the provisions of the Act, Rules and directions, etc., made thereunder. (iii) 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. Dated: Signature of the Applicant Advocate Forwarded with the certificate that the applicant is a member of the Association of Advocates mentioned in column 8 of this Application. Dated: (Seal of the Association of Advocates) PresidentNice-PresidenVSecretary of the Association of Advocates 10 FORM tv (See Rule 14) Application for re-admission as a member of the Fund under sub-section (7) of Section 18 The Secretary, Trustee Committee, (State/Union Territory) Advocates' Welfare Fund (Office address) Sir, 1. 2, 3. 4. t apply to be re-admitted as Member of the Fund. Name of the applicant (in block letters) Particulars of admission as a member of the Fund (attach original certificate) Reasons for non-payment of the annual subscription : Mode of payment of the arrears and re-admission fee ... .. DECLARATION hereby do solemnly affirm that the particulars fumished above are true and correct. Place: Dated: Signature of the Applicant Welfare Fund certiW that Mr/Mrs 11

FORM V (See Rule 15) TRUSTEE COMMITTEE (State/Union Territory) Welfare Fund Certificate of Membership of the Fund The Trustee Committee of the (State/Union Territory) Advocates' Dated this-the .... day of . is admitted to the Membership of the (State/Union Territory) 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. Seal . of the year .... Chairperson 12 FORM vl {See Rule 20 Beforethe Bar Council of ..... . MEMORANDUM OF APPEAL (Under Section 25 of the Advocates' Welfare Fund AM, 2001) A.W.F. Appeal No of Beween : (Name and address of the Appellant) AND (Name and Address of the Trustee Committee) .. .. .Applicant Respondent of the 1. 2. 3. 4. 5. 6, The Appellant files this appeal against the decision/order dated , Respondent Trustee Committee, Date of receipt of decision/order. Statement of facts. Grounds of appeals The appeal is in time. The appellant has paid twenty-five rupees as fees for the appeal on by , (mode of payment). Reliefs claimed Place: Date: (Appellant) do hereby solemnly affirm that the particulars furnished above are true and correct. (Appellant) Enclosures: 1. Certified copy of the decision/order of tile Trustee Committee

2. Proof of payment of Wenty-five rupees.(Y. Rameshchandra Singh) Secretary (Law), Government of Manipur. Printed at the Directorate of Printing & Stationery, Government of Manipur/310-C/24-12-2016.