

ADVOCATES FINANCIAL ASSISTANCE RULES

Whereas the Bar Council has been provided with the functions of giving financial assistance for the indigent, disabled or other Advocates, the Bar Council of Kerala hereby makes the following rules;

1. (a) these Rules may be called the Kerala Bar Council (Indigent and Disabled Advocates) Financial assistance rules, 1975.

(b) It shall come into force on such date as may be decided by the Bar Council of Kerala and after the approval of the Bar Council of India.

2. Definitions:-

(a) 'BAR COUNCIL' means the Bar Council of Kerala

(b) 'COMMITTEE' means committee constituted under these rules.

(c) 'Disabled Advocate' means a practicing advocate on the Roll of the Bar Council of Kerala who in the opinion of the Bar Council, by reason of any physical or mental infirmity, is unable to practice for more than 3 months continuously and who is financially not in a position to support himself.

(d) 'Fund' means fund constituted by the Bar Council under these rules.

(e) 'Form' means the forms prescribed by these rules.

(a) 'Indigent Advocate' means a practicing advocate who has completed ten years at the Bar and who is unable to maintain himself either from practice or from any other source and who in the opinion of the Bar Council needs financial assistance.

(g) 'Practising Advocate' means an advocate on the roll of the Bar Council of Kerala and who is a member of the Bar Association where he ordinarily practices.

3. The Fund defined under these rules shall be made up of :

(a) such sums not exceeding 10% of the net annual income of the Bar Council set apart for the purpose by the Bar Council at the end of each financial year.

(b) Contributions made by the Government or other authorities Bodies or individuals.

(c) sum raised and collected in such other manner as may be deemed proper by the Bar Council.

4. (a) There shall be a Committee for the proper administration of the Funds under these Rules constituted by the Bar Council from among its members.

(b) The Secretary of the Bar Council shall be the Convenor of the Committee.

(c) The Committee may elect a Chairman from among themselves who shall preside over the meeting of the Committee.

(d) The Secretary shall maintain the following registers:

(i) Register of applications

(ii) Minutes Book of the Committee and Books of Account showing the income and expenditure.

5. (a) Any disabled or indigent advocate practicing in the State of Kerala may apply to the Bar Council in the prescribed form for assistance under these rules.

(b) On receipt of an application the Secretary of the Bar Council shall obtain the remarks of the Bar Association of which he is member. The Secretary shall place the application together with the remarks of the said Bar Association before the Committee and the committee after making such further enquiries as it may think fit shall recommend, if satisfied that the applicant deserves financial assistances under these rules, such sum not exceeding Rs.1000/- to be paid to the applicant. If the committee is of opinion that the applicant does not deserve any assistance under these rules it shall record its reasons and forward the same to the Council.

(c) In case the Committee feels any doubt or is otherwise unable to take a decision in regard to the grant of the assistance applied for, it shall forward the application together with its opinion to the Bar Council.

6. On receipt of the recommendation or reasons for rejection made under Rules 5, the Bar Council may alter, vary or reject the same and communicate its decision to the applicant. In case the Bar Council decides to grant any aid, the amount shall be disbursed to the applicant.

7. (a) The Bar Council shall always have the power to cancel the decision made under Rule 6 in case any receipt of assistance under these rules is found to have received on false particulars furnished in the application.

(b) Where the Bar Council has decided that any applicant has furnished false particulars for obtaining assistance under these rules the Bar Council may take such other action as it deems fit.

The Funds constituted under these rules shall be separately invested and decided by the Bar Council.

The expenses, incidental to the administration of this fund shall be borne by the Bar Council.