

Balochistan Bar Council 3rd floor,
High Court Building, Quetta..
Dated Quetta, the

NOTIFICATION.

No. _____ Whereas it is expedient to establish a fund for the common benefit of the Balochistan Advocates and to provide for subscription thereto and for the manner of its management and regulation; Now, therefore, the Balochistan Bar Council, in exercise of the powers conferred on it by Section 56 clause (f) of the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973) read with Section 62 of the said Act, hereby makes the following rules: -

1. Short title and commencement. (1) These rules may be called the Balochistan Bar Council Advocates Benevolent fund, Rules, 2004

(2) They shall come into force at once.

2. Definitions. In these rules, unless the context otherwise requires the following expression shall have the meanings hereby respectively assigned to them, that is to say:-

- (a) "Act" means the Legal Practitioners and Bar Councils Act, 1973;
- (b) "Advocate" means an Advocate whose name is borne on the Rolls of Balochistan Bar Council and the Register maintained under these Rules;
- (c) "Bar Council" means the Balochistan 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) "Vice-Chairman" means the Vice-Chairman of the Bar Council; and

(2) All words and expression used in these Rules but not defined; (Shall unless the context otherwise requires have the same meanings as in the Act.

CHAPTER-II

CONSTITUTION OF THE FUND

3. There shall be constituted a benevolent fund to be called the Balochistan Advocates Benevolent Fund (hereinafter called the Fund) comprising as under: ---

- (a) Advocates (Security) Benevolent Fund hereinafter, called security Fund and
- (b) Advocates (Relief) Benevolent Fund (hereinafter called Relief Fund).

(2). Every Advocate borne on the Rolls of the Bar Council shall make an annual contribution of Rs.500/- to the fund by 30th June of the preceding year; Apart from the contribution provided under chapter-V of Balochistan Legal Practitioners and Bar Council Rules, 2001 under the head of Enrolment of Advocates.

(3) If an Advocate does not make contribution by the prescribed date he shall, by a notice, be asked to deposit the contribution due along with a late fee of Rs.100/-, failing which proceedings shall be taken against him under Section 34(4) of the Act and he shall not be entitled for any amount under these rules.

(4). To the credit of the Fund shall be placed: --

- (a) all sum paid by the Advocates as contribution to the Fund,
- (b) all grants made by the Federal or Provincial Government, autonomous bodies, organizations, institutions or other authorities; and
- (c) Donations made by the Advocates in addition to their contribution.

(5) Out of the contribution of Rs.500/- collected under Rule 2.2 a sum of Rs.400/- shall be credited to the account of the Security Fund and the remaining Rs.100/- shall be credited to the account of the Relief Fund. The amounts collected under clause (b) and (c) of Rule 2.4 shall be credited to the Relief Fund.

(6) The amount credited to the Fund shall be utilized for: --

- (a) payment of amounts under the Rules;
- (b) meeting the expenditure incurred by the Bar Council and the committee for the management of the Fund;
- (c) the purposes authorized by the Act and the Rules; and
- (d) Other payment and expenses authorized by the Bar Council.

CHAPTER-III
ACCOUNTS AND AUDIT

4. The Fund shall be managed by the Committee, which shall function under the supervision and control of the Bar Council, in the following manner:-

(a) The receipts and expenditure shall be separately entered in respect of the Security Fund and the Relief Fund in a Cash Book to be maintained in the manner provided by the Bar Council.

(b) The fund shall be kept in such Bank or invested in such securities as may be approved by the Bar Council.

(c) The Bank account shall be operated by the Vice-Chairman and the Chairman of the Committee jointly, or by any such person as they may authorize.

(d) The accounts shall be audited in the manner prescribed by the Bar Council.

(e) The Audited Annual Statement of Accounts of the Fund shall be laid before the first meeting of the Bar Council held after 30th June of every year, provided that the Bar Council may examine the accounts at any time if deems fit.

CHAPTER -IV
ADVOCATES (SECURITY) BENEVOLENT FUND

5 (1) The family or heirs of an Advocate, who joined the profession before the age of 30 years and dies before the age of 54 years, in case of hardship only, can make a claim upto Rs.1,00,000/- subject to sub rule (2) this benefit is also admissible to an Advocate who is permanently incapacitated mentally or physically and is not able to borne his day to day expenditure:

Provided further that an Advocate who left the profession during the span of practice (even for a short period) or was not regular or was/is defaulter to the Bar Council shall not be entitled for any benefit.

Provided that the Benevolent Committee or the Bar Council instead of giving lump sum amount to the family of the Advocate or to him may direct payment of amount which may be upto Rs.3000/- per month, but in that case also this benefit shall not be for more than a period of three years.

(2) An ad hoc payment of Rs.15000/- may be made immediately on the lodging of the claim. Final payment shall be made by June 30th of the ensuing year;

Provided that if in any year, number of claims under Rule (1) is such that the sum of Rs.1,00,000/- each can not be paid out of the contribution made to 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.

(3) On the death of an Advocate the amount to be paid, out of the Security Fund shall be paid to such member or members of his family as he might have nominated in full or the share specified by him at the time of making the nomination.

(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 members of the family as may be recommended by the Committee and approved by the Bar Council, in the following manners:

(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.

(5) In case of a dispute about the date of birth of an Advocate, the decision of the Bar Council thereon shall be final.

(6) The Bar council shall at least once in a year examine the finances of the security Fund and as result of such examination may increase or decrease the contribution payable under sub rule (2) of rules 3 may increase the amount payable under Rule 4.1.

(7) As a result of the examination under Rule 4.6 the Bar Council may refund to an Advocate attaining the age of 65 years, the whole or a 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 to the defaulting Advocate.

CHAPTER -V

ADVOCATES (RELIEF) BENEVOLENT FUND

6 (1) An application for payment, out of the Relief Fund recommended by the President of the Bar Association of the 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 Section 62 of the Act.

(2) Upon receipt of an application under Rule 5.1 the Committee shall, after making such inquiry as it may consider, recommend 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 CASES OF HARDSHIP PAYMENT OF Rs.3000/- may be made by the Committee without obtaining prior approval of the Bar Council.

(3) Subject to availability of fund no Advocate shall be paid more than Rs.15000/- under chapter V: Provided that the Bar Council may under special circumstances allow payment of an amount not exceeding Rs.20,000/-.

CHAPTER-VI

NOMINATION OF BENEFICIARIES FOR THE ADVOCATES (SECURITY) BENEVOLENT FUND

7. (1) Every Advocate may make a nomination concerning one or more members of his family, regarding the right to receive the amount, in the event of his death a specified share from the Security Fund.

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

(3) The nomination in respect of all or any of the nominee shall become valid in the event of the happening of any contingency specified therein.

(4) An Advocate may at any time cancel his previous nomination and make a fresh nomination.

(5) Every nomination made by an Advocate shall be authorized by member of the Bar Council or the President of the Bar Association where the Advocate ordinarily practices.

CHAPTER-VII

MISCELLAENOUS

8. (1) Every advocate shall along with his first contribution due under these Rules make an application for registration as per Form 'A'.
- (2) A register containing the names of Advocates 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, be struck off from the Register and he shall not be entitled for any benefit under these Rules.
- (3) Every nomination or a fresh nomination under chapter VI of these Rules shall be in Form "C"
- (4) Claims under Chapter IV shall be in Form "D"
- (5) Application under chapter IV, rule VII shall be in Form "E"
- (6) Application under Chapter V shall be in Form "F".

CHAPTER-VIII

Repeal

9. The Sindh and Balochistan Advocates Benevolent Fund Rules, 1975 (So for as them applicability to the province of Balochistan is concerned) is hereby repealed.

(Zahoor Ahmed Shahwani)
Vice Chairman Balochistan Bar Council.

FORM 'A'

APPLICATION FOR REGISTRATION AS CONTRIBUTORY TO THE
(BALOCHISTAN) ADVOCATES BENEVOLENT FUND UNDER RULE 8(1)

NAME _____

FATHER'S NAME/HUSBAND'S NAME _____

DATE OF BIRTH _____

DATE/YEAR OF ENROLMENT AS AN ADOVCATE _____

DATE/YEAR OF ENROLEMENT AS
AN ADVOCATE OF HIGH COURT _____

ORDINARY PLACE OF PRACTICE; _____

NAME OF BAR ASSOCIATION OF WHICH the
APPLICANT IS MEMBER _____

DATE OF APPLICATION _____

SIGNATURE.

FORM 'B'

REGISTER OF BENEVOLENT FUND
Sub RULE (2) of rule 8

Name of Advocate _____
Father's/Husband's name _____
Date of birth _____
Date/year of enrolment as an Advocate _____
Date/year of enrolment as an Advocate _____
Of High Court _____
Ordinary place of practice _____
Bar Association of which applicant is member _____
Nominee, if any _____
Claim under Relief Fund _____
Decision of claim _____
Payment for Security Fund _____
Remarks _____
PARTICULARS OF PAYMENTS.

Year	Amt. paid	Initials.

FORM 'C'

NOMINATION FORM UNDER RULES 8(3)

Name of Advocate _____
Name of Nominee _____
Share _____ of _____ Nominee

Condition, if any _____

SIGNATURE.

ATTESTED by MEMBER BALOCHISTAN BAR COUNCIL/PRESIDENT BAR
ASSOCIATION.

FORM 'D'
CLAIM UNDER CHAPTER IV
UNDER RULE 8(4)

Name of Advocate _____

(i) Date of death (attach death certificate attested
by the Member Bar Council/President Bar Association);

OR

(ii) Date of incapacity with particulars (attach
medical certificate of Medical Authority); _____

Name of Nominee, if any _____

(See Rule 4.3)

If no nominee, name of person to whom payments to be made

(See Rule 4.4.)

Name of applicant _____

SIGNATURE.

FORM 'E'
CLAIM UNDER CHAPTER VI UNDER RULE
7.5. READ WITH RULE 5(7)

Name of Advocate _____

(i) Date of Birth _____

(Attach Birth Certificate/any other certificate certifying
the date of birth attested by the Member, Bar Council/
President Bar Association).

(ii) Date when attained the age of 65 years.

(iii) Total amount contributed toward Benevolent
(Security) Fund by the applicant _____

SIGNATURE.

FORM 'F'

CLAIM UNDER CHAPTER V UNDER RULE 8(6)

Name of Advocate _____

Amount of payment sought _____

(See rules 5.3)

Reasons for seeking payment _____

Voluntary contribution made to date, if any (See Rule 2.4
(c)) _____

Recommendation of member Bar Council

President of Bar Association

(See Rule 5.1)

Drafted & compared by:-

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Hounary Secretary Balochistan Bar Council.