



THE BAR COUNCIL OF ASSAM, NAGALAND, MIZORAM, ARUNACHAL PRADESH & SIKKIM COVID–19 FINANCIAL ASSISTANCE SCHEME

A. BACKGROUND:

The judiciary is one of the four pillars of democracy and the legal profession is an integral part of the justice delivery system, despite which practicing advocates do not get any kind of sustenance from the State and are left to fend for themselves in times of crisis. Advocates do not have any social security blanket to fall back upon in trying times. The unprecedented and extraordinary situation arising out of the outbreak of the Novel Corona Virus (Covid – 19) pandemic is one such time of crisis that has rendered many advocates without means to eke out their livelihood from their profession.

The Advocates Act, 1961 enjoins upon the Bar Councils, including the State Bar Councils constituted under Section 3 of the said Act, to act for the welfare of and in the interest of advocates. Section 6(1)(d) of the said Act manifests the safeguarding of the rights, privileges and interests of advocates on its roll as one of the functions of a State Bar Council. Section 6(2)(a) of the said Act lays down that a State Bar Council may constitute one or more funds in the prescribed manner for the purpose of giving financial assistance to organise welfare schemes for the indigent advocates.

In view of the pitiable condition of some advocates who have been without any income from about the middle of March 2020 due to the Covid–19 pandemic and the lockdown imposed thereafter, the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim has formulated this scheme for granting some succour by way of Financial Assistance to needy Advocates who are in financial difficulties.



B. OBJECTIVE & APPLICABILITY:

The objective of this Scheme is to assist the advocates enrolled with the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim who are in financial difficulties due to the Novel Corona Virus (Covid – 19) pandemic. This scheme shall be called “The Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim Covid–19 Financial Assistance Scheme” and shall be applicable to the advocates enrolled with the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim. This scheme shall come into effect on being approved by the Bar Council of India.

C. SCOPE OF ASSISTANCE:

The Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim has created a fund by the name of “Bar Council of Assam, etc. Covid–19 Financial Assistance Fund” for granting assistance to needy advocates enrolled with it. The moneys received by the said Bar Council for the fund, either by way of donations, grants, gifts, benefactions, etc. or transfer from other funds of the said Bar Council or from the Bar Council of India or the Advocates Welfare Fund would be kept in a specific bank account opened and maintained with the State Bank of India or a nationalised scheduled commercial bank and all disbursements and payments made under this scheme would be paid out from that bank account.

At present, an amount upto Rs. 5,000/- would be given as a one-time measure of financial assistance from the said Bar Council of Assam, etc. Covid–19 Financial Assistance Fund to needy and eligible Advocates enrolled with the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim, who apply for the same in the prescribed format, upon selection by the said Bar Council under this scheme for being granted the assistance in accordance with this scheme. If any further assistance is to be given, the same may be decided by the said Bar Council later on, depending on any further developments and/or requirements.



D. ELIGIBILITY CRITERIA FOR THE FINANCIAL AID:

- D(1)** The applicant should be enrolled with the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim.
- D(2)** The applicant should be in active practice.
- D(3)** The applicant should not be an income tax payee. (If the applicant is exempted from payment of income tax, he/she shall have to clearly declare the same.)
- D(4)** The applicant should not have any other source of income.
- D(5)** The applicant should not be in receipt of any pension or any kind of remittance from any company / bank / Public Sector Undertaking / Government / semi – Government / body / authority / institution / university / college, etc.
- D(6)** The applicant should not be dependent on his/her parent(s) and if the applicant is married, his/her spouse should not have any source of income, pension or any kind or remittance.
- D(7)** The applicant should not have a total savings of more than Rs. 30,000/- as on 15 March 2020. The total savings include savings in all bank accounts of the applicant and cash in hand with the applicant.
- D(8)** The applicant should have passed the All India Bar Examination ('AIBE' in short), if the AIBE is mandatory for him/her.
- D(9)** The applicant should not be a Standing Counsel / Government Advocate / Government Pleader / Public Prosecutor / Additional Public Prosecutor / Assistant Public Prosecutor / Retainer Advocate / Counsel, etc. of any company / bank / Public Sector Undertaking / Government / semi–Government / body / authority / institution / university / college, etc. or a Notary.
- D(10)** The applicants who have not received any sort of assistance / aid / benefit from any Bar Association due to the Covid – 19 pandemic shall get preference under this scheme.



E. APPLICATION PROCEDURE:

E(1) The applicant has to apply only in the prescribed Application Form – A in accordance with the procedure hereinafter described by way of e-mail to:

barcouncilofnecovid19aid@gmail.com

or in person or by Speed Post / Registered Post / courier, superscribing the cover envelope with the line –

“Application for assistance under the Covid–19 Financial Assistance Scheme”

addressed to:

The Chairman,

Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim,

2nd Floor, Old Building, Gauhati High Court,

Mahatma Gandhi Road, Guwahati – 781001.

It is made clear that applications in any other format / form shall not be entertained.

E(2) The last date of receipt of applications under this scheme, either by email or in person or by Speed Post / Registered Post / courier is 07 May 2020.

E(3) (a) If the application is made by e-mail, the applicant has to attach thereto a scanned copy of the filled-up and signed prescribed Application Form – A in PDF format or MS Word format alongwith scanned self-attested copies of all the supporting documents listed in Clause E(4) in PDF format and a soft copy of the applicant’s photograph in JPEG format, conforming to the specifications in Clause E(5). The file size of the attachments should be of a minimum 10 KB and should not exceed 600 KB each and that of the photograph should be of a minimum 15 KB and should not exceed 1MB.

(b) If the application is made in person or sent by Speed Post / Registered Post / courier, the applicant has to submit/send the filled-up and signed prescribed Application Form – A printed on both sides of white A4 size paper alongwith self-attested photocopies of all the supporting documents listed in Clause E(4) with an additional copy of the photograph of the applicant conforming to the specifications in Clause E(5).



E(4) SUPPORTING DOCUMENTS:

Copies of the following documents shall have to be enclosed/attached to the application for the financial aid:

- (i) The applicant's Enrolment Certificate of the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim.
- (ii) The applicant's Certificate of Practice issued by the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim.
- (iii) The applicant's AIBE Pass Certificate or downloaded document showing him/her to have qualified in AIBE, if AIBE is mandatory for him/her.
- (iv) The applicant's Income Tax Permanent Account Number (PAN) Card.
- (v) All Bank Account Statements / Passbooks of the applicant covering the period from 01 Jan 2020 to 15 Mar 2020.

(vi) If the applicant is a member of any Bar Association:

If applicable, Certificate of the Bar Association on its letter pad certifying that the applicant is its member and recommending that he/she is deserving and eligible to be granted the assistance under this scheme.

(vii) If the applicant is not a member of any Bar Association:

(a) If applicable, Certificates on respective letter pads of three advocates in active practice having at least 15 years standing at the bar, recommending that in his estimation the applicant is deserving and eligible to be granted the assistance under this scheme and attesting that the applicant is not a member of any Bar Association; and

(b) Certificates of Practice of all the said three advocates [referred to in Clause E(4)(vii)(a)].

(viii) Photograph of the applicant conforming to the specifications in Clause E(5).



E(5) SPECIFICATIONS OF THE PHOTOGRAPH OF THE APPLICANT:

- (i) Recent colour photograph of size 45 mm x 35 mm (Length x Width).
- (ii) The photograph should clearly show the frontal view of the full face of the applicant with his/her eyes open looking directly at the camera.
- (iii) The background should be plain in light colour, preferably white.
- (iv) The photograph should be distinct and not blurred.

F. PROCEDURE FOR SELECTION OF BENEFICIARIES:

F(1) The Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim, vide a Resolution adopted in its Requisition Meeting held on 23 Apr 2020 has constituted a Special Committee comprising of 9 members of the said Bar Council to scrutinize and select the beneficiaries to be extended the financial assistance under this scheme. The quoram for any meeting of the said Special Committee shall be six members. The members of the said Selection Committee, as constituted in the said meeting, are:

1. Mr. H.R.A. Choudhury (Chairman)
2. Mr. Sailendra Das (Member)
3. Mr. G.N. Sahewalla, (Member)
4. Mr. Chinmoy Choudhury (Member)
5. Ms. Monjuli Dev (Member)
6. Mr. D. Choudhury (Member)
7. Mr. A.H. Khandakar (Member)
8. Mr. S. Bhattacharjee (Member)
9. Mr. P.D. Nair (Member).

F(2) The Special Committee referred to in Clause F(1) of this scheme shall decide and fix the amount to be given as financial assistance to the applicant under this scheme and the total number of beneficiaries to be extended the assistance at a particular time / during a particular period, taking into consideration the total quantum of funds available for the assistance and the number of applications received / that might be received for assistance under the scheme.



- F(3)** Only those applications conforming to and made in accordance with the format, prescriptions and procedure laid down in this scheme and received within the specified last date of receipt of applications would be considered under this scheme.
- F(4)** A Register shall be maintained by the office of the Bar Council to note down the relevant details of the applications, date and time of receipt and the details of their processing. The office of the Bar Council shall put the date and time of receipt alongwith the Receipt Registration Number in the Application Form – A of each applicant.
- F(5)** The office of the Bar Council shall compare the particulars in the Application Form – A of each applicant with the supporting documents. If the application is found or not found to be in order and found or not found to be conform to the eligibility criteria under this scheme, the office of the Bar Council shall indicate the same in the Application Form – A of each applicant.
- F(6)** The office of the Bar Council shall then forward the applications and their supporting documents to the Special Committee referred to in Clause F(1), which shall then scrutinize the applications, verify from the same whether they have been made in accordance with the prescriptions laid down under this scheme and whether the applicants meet the eligibility criteria.
- F(7)** The office of the Bar Council shall then compile a list of the verified applications found to be in order by the Special Committee referred to in Clause F(1) of this scheme.
- F(8)** If there is any doubt regarding any application or regarding the interpretation of this scheme or any matter connected therewith or thereunder, the Special Committee referred to in Clause F(1) shall decide on the same. If the said Special Committee fails to arrive at a conclusive decision thereon, the matter would then be referred to the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim for a decision thereon.
- F(9)** The Special Committee constituted under Clause F(1) shall select the applicants from amongst those in the list compiled as per Clause F(7) for being granted the assistance under this scheme upto the total number of beneficiaries decided and fixed as per Clause F(2). A List of Beneficiaries to be extended the assistance under this scheme shall then be prepared comprising of the said selected applicants.



G. DISBURSEMENT OF ASSISTANCE TO BENEFICIARIES:

The amount of financial assistance would be transferred to the bank accounts of the respective selected beneficiaries, mentioned in their application forms, by way of NEFT / RTGS after preparation of List of Beneficiaries referred to in Clause F(9) of this scheme. It is made clear that the bank account of the applicant mentioned in his/her Application Form – A has to be in his/her own name as recorded in the roll of the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim, otherwise his/her application shall be rejected.

H. ACTION FOR FALSE STATEMENTS & FALSE / FABRICATED / FORGED DOCUMENTS:

If any statement of the applicant in his/her application made under this scheme is found to be incorrect or false statement, knowing it to be not correct / true and/or the applicant submits any false / fabricated / forged document, the same shall render the said applicant liable to appropriate action.

I. FINALITY:

Any decision taken by the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim and/or by the Special Committee referred to in Clause F(1) of this scheme in respect of this scheme and/or regarding the interpretation of this scheme and/or in respect of any applicant/application and/or any matter connected with any or all of the above, shall be final and binding on all concerned.

J. RELAXATION:

If any difficulty arises in giving effect to this scheme or in appropriate and deserving cases, the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim shall have the power to relax any clause, provision, prescription or criteria of this scheme.

K. AMMENDMENT OR MODIFICATION OF THE SCHEME:

The Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim shall have the power to amend this scheme and/or alter / modify / change any provision thereof.

APPLICATION FORM – A

**APPLICATION FOR ASSISTANCE UNDER THE BAR COUNCIL OF ASSAM, NAGALAND, MIZORAM,
ARUNACHAL PRADESH & SIKKIM COVID-19 FINANCIAL ASSISTANCE SCHEME**

Applicant's Enrolment Number:			
Date of Applicant's first Enrolment in any Bar Council:			
Certificate of Practice No.:			
Whether the applicant is required to pass AIBE:	Yes / No	If yes, AIBE Registration / Pass Certificate No.:	
Name of the Bar Association of which the applicant is a member:			
Bar Association Membership No.:			

Applicant's
Photograph
of size
45 mm x 35 mm
(Length x Width)
to be pasted here

Applicant's Name (as recorded in the Bar Council's Roll) :			
Sex: Male / Female / Other	Marital Status: Married / Unmarried	Date of Birth (in dd/mm/yyyy format): ___ / ___ / _____	
Present Residential Address:			
Permanent Address:			
Phone Number:			
e-mail ID:			
Income Tax PAN:			

Details of all Bank Accounts / Post Office Savings of the Applicant:

Name of Bank & Branch / Post Office	Account No.	Type of Account**	Balance (in Rs.) as on 15 Mar 2020

** Type of Account: Savings / Current / Fixed Deposit / Recurring Deposit / Overdraft / Others

Total Savings of the Applicant as on 15 March 2020	Amount in figures (in Rs.):	
	Amount in words:	

Receipt of any income / pension / remittance by:	Total Amount (in Rs.) in the year 2019-20:	Received from:	
Applicant:			
Applicant's Spouse:			
Is the applicant in active practice as an advocate:		Yes / No	
Sources of income of the applicant:			
Is the applicant an Income Tax Payee : Yes / No	Is the applicant exempted from payment of Income Tax : Yes / No		
Is the applicant a Standing Counsel / Government Advocate / Government Pleader / Public Prosecutor / Additional Public Prosecutor / Assistant Public Prosecutor / Retainer Advocate / Counsel, etc. of any company / bank / Public Sector Undertaking / Government / semi – Government / body / authority / institution / university / college or a Notary :			Yes / No
Total no. of dependent family members of the applicant:	Adults:		Children:
Has the applicant received any aid from any Bar Association due to the Covid-19 pandemic:	Yes / No	If yes, the amount of aid received (in Rs.):	
		Date of Receipt:	

Details of the bank account (in the applicant's own name as recorded in the Bar Council's Roll) to which the financial assistance is to be transferred:

Bank Account No.:	
Name of Bank :	
Name of Branch:	
Branch IFS Code (IFSC):	

DECLARATION

I hereby affirm and declare that I have carefully perused all the clauses of The Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh & Sikkim Covid-19 Financial Assistance Scheme and have understood the contents thereof. I affirm and declare that I satisfy all the eligibility criteria laid down in Clause D of the said scheme. I further affirm and declare that all the facts and statements made in this application are true and correct. I further declare that the copies of the documents submitted with this application are true, genuine and correct copies of their respective originals. I further declare that if any statement made by me in this application is incorrect or false or if any document submitted by me is found to be tampered / fabricated / forged, I shall be liable to appropriate action. I verify that this declaration is true and correct, it conceals nothing and that no part of it is false.

Place:

Date:

(Signature of the applicant)