

## **Rules Relating to Staff of the Orissa State Bar Council**

ODISHA

India

## **Rules Relating to Staff of the Orissa State Bar Council**

### **Rule**

### **RULES-RELATING-TO-STAFF-OF-THE-ORISSA-STATE-BAR-COUNCIL of 1979**

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Rules Relating to Staff of the Orissa State Bar CouncilPart-I 1. Working days of the Council.(a) As provided by Sub-rule (b) of this rule, the office of the Council shall ordinarily be open from 10.30 A.M. to 5.00 P.M. on all working days and from 6.30 A.M. till 12.30 P.M. on the days when there is morning office of the High Court.(b) During the period covered by summer vacation of the High Court of Orissa, the Council shall ordinarily be open on all days excepting the Saturdays, Sundays and other holidays of the High Court Office during such hours as may be notified.

### **2.**

The Office of the Council shall unless otherwise notified be closed during all Sundays and other holidays declared by the High Court including the Winter Holidays of the High Court.Part - II 1.The whole time of an employee of the Bar Council, including that of Sundays, Holidays, and vacations is at the disposal of the Bar Council and he may be employed in any manner required by the Bar Council, the Executive Committee or the Disciplinary Committee and the Secretary with the previous order of the Chairman (Finance Committee dated 15.12.1979). If the staff of the Council required to work on holidays for meetings of Council required to work on holidays for meetings of the Council and Sub-Committee or any other special occasion they will be entitled to get extra one day pay for each meeting on the special occasion of the staff are required to work over time, the Secretary will place the matter before the Finance Committee for recommending the same for the Committee for sanction of allowance for extra work done.

**2.**

No employee of the Bar Council shall engage himself in any trade business or profession nor shall employ himself in any other service, in case of breach of this rule by an employee, he shall be liable to be dismissed from the employment of the Bar Council.

**3. Appointment of the staff.**

- The Bar Council of Orissa shall appoint a Secretary, and a full fledged staff as are necessary for the purpose of effectively carrying on its business. The pay of the staff at par with the State Govt, employee as per cadre which shall be determined by the Executive Committee from time to time.

**4.**

The Office staff may consist of Head Clerk, Senior Clerk, Accountant, Junior Clerk, Stenographer, Diarist, Messengers and Bearers.

**5.**

The minimum qualifications of the Secretary shall be as follows : (i) He shall be a Graduate in Arts, Commerce or Science or Graduate in law. (ii) He may preferably have five years standing as an Advocate or five years Administrative experience in any Public Office. (iii) He shall not be below 28 years of age and above 45 years of age. Provided that the Bar Council may relax-qualification in Clause (i) and (ii) if it finds a candidate otherwise suitable.

**6.**

The scale of pay of the Secretary shall be 2200-75-2800-EB-100-4000/-

**7.**

He shall be entitled to allocate business to other members of the staff under him.

**8.**

The minimum qualification of Senior Clerk/Head Clerk. (i) He shall be a Graduate. (ii) He may preferably have three years experience as a Senior Clerk. (iii) He shall not below 30 years of age and have 35 years of age. Provided that the qualification required for a Head Clerk may be relaxed by the Bar Council in suitable cases.

**9.**

The scale of pay of the Head clerk shall be 1600-50-2100-EB-60-2660/-

**10.**

The minimum qualification of the Accountant.(i)He shall be a Graduate in commerce with 50 per cent marks or he shall be holding a Masters Degree in commerce.(ii)He may preferably have three years experience as an Accountant in any Public Office.(iii)He shall not be below 25 years of age and above 33 years of age provided that the Bar Council may relax any of the qualifications, if it finds a candidate otherwise suitable.Provided further that suitable person above the an of 55 years may be appointed for a maximum period of 5 years and that Rule 25 shall not apply to such an employee.

**11.**

The scale of pay of the Accountant shall be per month 1600-50-2100-EB-60-2660/-.

**12.**

The Accountant shall maintain up-to-date all books of Accounts in compliance with the rules made by the Bar Council of Orissa and the Bar Council of India in that behalf and shall perform such duties and discharge such other functions as the Bar Council of the Executive Committee or the Secretary may from time to time assign to him. He shall work under the general supervision and control of the Secretary.

**13.**

The minimum qualification for a Senior Clerk shall be as under :(i)He shall be a Graduate in Arts, Commerce, Science or law.(ii)He may preferably have experience of three years office work in any public office.(iii)He shall not be below 25 years of age and above 35 years of age. Provided that the qualification required for a Senior Clerk may be relaxed by the Bar Council in suitable cases.

**14.**

The scale of pay of the Senior Clerk shall be : 1400-40-1800-EB-50-2300/- .The Senior Clerk shall perform such duties and discharge such functions as are assigned to him from time to time by the Secretary or the Executive Committee of the Bar Council.

**15.**

The minimum qualification for a Junior Clerk shall be as under :(i)He shall be a graduate in Arts, Commerce, Science or have any equivalent qualification.(ii)He shall have proficiency in typing in English.(iii)He may preferably have two years experience in a similar capacity in a Public

Office.(iv)He shall not be below 23 years of age and above 30 years of age.The qualification as laid down in Clauses (iii) and (iv) may be relaxed by the Bar Council in its discretion, but in no case he shall be below the age of 21 years.The scale of pay of the Junior clerk shall be per month 950-20-1150-EB-25-1500/-.

**16.**

He shall perform such duties and discharges as assigned to him from time to time by the Secretary or the Executive Committee of the Council.

**17.**

The minimum qualification for a Stenographer shall be as under(i)He shall be a Intermediate in Arts, Commerce, Science or have an equivalent qualification.(ii)He shall have proficiency in taking dictation and typing in English with speed of 120 words per minute for dictation and 40 words per minute for typing.(iii)He may preferably have 3 years experience in a similar capacity in a Public office.(iv)He shall not be below 23 years of age and above 30 years of age.Provided that the qualification may be relaxed by the Executive Committee in its discretion but in no case shall be below the age of 21 years.

**18.**

The scale of pay of the Stenographer shall be per month 1200-30-1440-EB-40-2040/-.

**19.**

He shall perform such duty and discharge such function as will be assigned to him from time to time by the Secretary, the Executive Committee, the Bar Council or the Disciplinary Committee.

**20.**

The scale of pay of a Diarist.

**950.**

-20-1150-EB-25-1500/-The minimum qualification of the post of a Diarist.(i)The messenger found suitable may be promoted to the post of a Diarist.(ii)Filling above a Diarist may be recruited from out side having minimum qualification is matriculation.(iii)He shall not be below 23 years of age and above 30 years of age.The Diarist should work posting to Diary and Despatch work of the Council and operating the cyclostyling machine and arranging the letters and attached to Junior Clerk in Enrolment work and such other works assigned to him from time to time by the Head of office.

**21.**

The minimum qualifications of a Messenger/Bearer shall be as under:(i)He shall have passed Middle School Examination, preference will be given to matriculate.Provided that the Executive Committee may relax the qualification in suitable cases.(ii)He shall not be below 30 years of age and above 30 years of age.

**22.**

The scale of his salary shall be per month : 750-12-870-EB-14-940/-

**23.**

The Educational qualification required for the post of Secretary, Head Clerk, Accountant, Senior Clerk, Junior Clerk, Stenographer and Messenger shall be the qualifications conferred or recognized by the University of Orissa or the Board of Secondary Education, Orissa as the case may be;

**24.**

The Bar Council may in its absolute discretion modify the scale of pay as above at any time in any manner it thinks fit and on such modification the scale of pay may apply to the existing as well as future employee of the Council as the Council may decide.

**25.**

The entire staff of the Bar Council shall be under the direct supervision and control of the Secretary and the Executive Committee.

**26.**

The staff of the Bar Council shall be paid Dearness Allowance at the State Government rate of D.A. and House Rent Allowances payable to Government Servants on comparable scales of pay from time to time.

**27.**

Every Member of the Staff shall retire on completion of 60 years of age.

**28.**

All Members of the Staff appointed pursuant to these rules shall, in the first instance be appointed on probation for a period of one year at the end of the said period if the Executive Committee finds it necessary to extend the period of probation it may do so for a further period of one year or a part

thereof.

**29.**

All the employees of the Council shall be appointed by the Council after receiving the recommendation of the Executive Committee. The letter of appointment shall be issued under the signature of the Chairman except in the case of Messenger in which case it shall be issued under the signature of the Secretary.

**30.**

Every Member of the Staff upon the expiry of his original or extended period of probation as provided here in above shall either be confirmed by a written order in his said appointment or shall be discharged if his work is not found to be satisfactory.

**31.**

During the period of probation, original or extend an employee may be discharged after giving him one month's notice or one month's pay in lieu thereof, and in such a case it shall be necessary to assign any reason for doing so.

**32.**

Any time after confirmation of the appointment any employee may be discharged by the Council giving him three month's notice subject to the rules following hereinafter. In such a case ordinarily the reasons for his discharge shall be assigned unless the Bar Council in its absolute discretion decide otherwise.

**33.**

No employee of the Bar Council upon confirmation in his appointment shall be discharged except on the ground of (a) misconduct (b) insubordination (c) inefficiency (d) failure of discharge of duty or (e) any other disability interfering with the efficient discharge of his duties.

**34.**

Whenever any act of misconduct, insubordination, inefficiency or failure to discharge duty is alleged or suspected against any employee of the Bar Council, or it is alleged or suspected that the employee suffers from physical disability which interferes with the discharges of his duties, the Bar Council shall hold an enquiry into the matter through the Executive Committee. At any such enquiry the employee shall be communicated in writing the particulars of allegations in shape of a charge-sheet and the employee shall be given opportunity to render his explanation in that behalf in respect of the allegations made against him. On consideration of the explanation the Executive Committee may

submit a report to the Bar Council as to the guilt or otherwise of the employee unless it decides to hold such enquiry as it thinks fit, in which event it shall submit a report to the Bar Council after conclusion of his enquiry. The Bar Council shall pass the final order in its discretion on receipt of the report from the Executive Committee. The decision of the Bar Council shall be final.

### **35.**

Any staff of the Bar Council may be placed under suspension when a Disciplinary Proceeding is either contemplated or in pending against him and any employee of the Bar Council shall also be placed under suspension if an employee is involved in any Criminal case relating to discharge of his Official duties. Any employee of the Bar Council shall also be deemed to be placed under suspension for the period, when he is otherwise arrested and kept in police custody for whatsoever reason.

### **36.**

An employee who has been placed under suspension or is deemed to be under suspension shall not be entitled to get his pay but shall be eligible to a monthly subsistence allowance at the rate of half of his salary. Provided that the Bar Council may, if the suspension has prolonged for more than one year, either increase or decrease the rate of subsistence allowance as it thinks fit.

### **37.**

The Bar Council may impose, for good and sufficient reasons any one more of the following punishment or any of its employees : (a) 1. Fine

## **2. Censure**

## **3. Withholding of promotion or increment**

## **4. Recovery from the pay of the incumbent or part of any pecuniary loss caused to the Bar Council by negligence or breach of orders**

## **5. Suspension**

## **6. Reduction to a lower grade or to a lower stage in time scale.**

(b) Before any such penalty is imposed upon any employee of the Bar Council, it shall call for an explanation from the employee concerned through the Executive Committee and to the particulars of allegations and shall decide about the imposition or punishment on consideration of the explanations. If any received from the employee.

## **38.**

No employee of the Bar Council, during the period of probation, shall resign without giving one months notice to the Bar Council. No employee who has confirmed in his appointment shall resign without giving three months notice to the Bar Council. Part-III

### **1. The staff of the Bar Council shall ordinarily be permitted to the following kinds of leave.**

#### **1. Casual Leave. 2. Earned Leave. 3. Medical Leave. 4. Extraordinary Leave**

No member of the staff shall however, be entitled to claim any leave as matter of right.

#### **1. (a) Casual leave :**

Casual leave may be availed of for not more than 15 days in a Calendar year. Save as otherwise permitted by the Executive Committee such leave however shall not ordinarily be granted for more than 10 days at a time. The Executive Committee may permit Casual Leave to be combined with any other kind of leave or the vacations, Sundays or other holidays or other holidays falling within the period of leave either beginning or end of it, shall not be taken into account for the purpose of calculation of the total number of days of Casual Leave. (b) An application for casual leave by the Secretary shall be submitted to the Chairman and such application by other members of the staff shall be submitted to the Chairman and such application by other members of the Staff shall be submitted to the Secretary who shall have the respective powers to grant Casual Leave as the case may be subject to the provisions of Clause (a) above.

#### **2. Earned leave.**

(a) Member of the staff shall be entitled to a minimum earned leave of 1/14th of the period of duty during the each calendar year subject to a maximum of 30 days. (b) Earned Leave shall not ordinarily be permitted to be accumulated for more than 180 days, nor shall such leave be granted ordinarily for a period of more than 120 days at a time. Provided that a member of the staff whose application for earned leave is rejected shall be entitled to draw salary and allowances excepting house rent allowance for the period for which leave has been rejected on the basis of the amounts payable on those days. (c) On the event of an employee resigning from service or on his attaining the age of superannuation, he shall be entitled to avail himself of the entire period of earned leave, then due to his accumulation within permissible limits and during the said period when he is on earned leave, he shall be entitled to the same pay and allowance as he will be entitled to, if he is on duty, it is also be open to the employee, when he is about to reach of age of superannuation to avail the leave at his credit as leave preparatory to the retirement, within the same permissible limit as above and he shall be paid the pay and allowance for the leave period as if is on duty. (d) For the computation of leave period intervening Sundays or holidays coming within last period shall be deemed to be leave days.



### **3. Medical leave.**

(a)The Members of the permanent staff shall ordinarily be eligible for 10 days Medical leave in all for each completed year of service for which Medical Certificate should be produced if called for. The Executive Committee may however, grant medical leave for a longer period on production of Medical Certificate. The Executive Committee may also at its discretion require the employee to appear before such Medical Officer as directed.(b)No employee who has availed medical leave shall be allowed to join unless he produces a fitness Certificate from a Gazetted Medical Officer.

### **4. Extraordinary Leave.**

- Extraordinary leave may be granted to any member of the staff at the discretion of Executive Committee for such period and with or without pay as the Committee may decide in each particular case.(2)Existing employee : (Miscellaneous)(a)All the staff of the Bar Council at the commencement of this rule shall be continued in employment notwithstanding the lack of required qualifications, if any, subject to the age on superannuation but however, they shall be issued with fresh appointment under those rules in respect of the corresponding posts created under this rule and all such employees shall thereafter be treated as if they have been appointed under this rule, but their post service shall be taken into account for all purposes.(b)The pay of the existing employee shall be fixed in the new corresponding scale of pay at the stage which is the next higher stage of the amount of the existing pay and D.A. taken together.Provided however that the Council may at its discretion decide to place an employee at a higher stage of the scale.Part-IV Provident Fund Rules

#### **1.**

(a)The fund shall be entitled "The Provident Fund of the Bar Council of Orissa".(b)In the rule, unless there is anything repugnant to the subject or context.(i)"Fund" means the Provident Fund established and maintained under these rules.(ii)"pay" includes pay, dearness pay, substantive and Officiating Special Pay, personal pay and leave salary.(iii)"Subscriber" means a permanent full time employee of the Council.(iv)"Subscription" means the sum paid to the Fund by subscription.(v)"Contribution" means the sum paid to the Fund by the Council.(c)These rules shall come into force from 1.1.1974.

#### **2.**

(a)The Fund shall consist of the subscriptions of the employees the contributions of the Council and of accumulations thereof, interest credited in respect of such contribution and subscriptions and accumulations and of securities purchased therewith and of any capital gains arising from the transfer of capital assets of the fund and of no other sums.(b)The Council shall invest the subscriptions contributions and other amounts belonging to the fund in any of the securities of the nature specified in Clause (a), (b), (c), (d) or (e) of Section 20 of the Indian Trusts Act, 1982 or in a Post Office Savings Bank Account in India or in an account in any scheduled Bank as may be decided upon by resolution of the Council from time to time.(c)The fund shall be vested in two

trustees who are members of the Council under a Trust which shall not be revocable concept with the consent of all the beneficiaries. One of the Trustees shall be the Advocate General of Orissa who is an Ex-officio Member of the Council and the other will be nominated by the Council from amongst the other Members of the Council. Whenever vacancy occurs in the Board of Trustees, it shall be filled up by the nomination, by and from amongst the member of the Council. (d) All costs, charges and expenses incurred for the Fund shall be borne by the fund itself.

### 3.

Every subscriber shall subscribe at 7% of his pay every month. The council shall contribute to the account of each subscriber every month an amount equal to that subscribed by him. Provided the Bar Council may in its discretion charge the rate of subscription to the Provident Fund as it fit and there shall be thereupon proportionate reduction or increase in the amount payable by way of provident fund to the employee.

### 4.

(1) The subscription of each subscriber shall be deducted every month from his pay and credited to his Provident Fund Account. (2) The Council shall maintain a Provident Fund Account. The Account of a subscriber shall show ; (i) The amount of his subscription with interest thereon; (ii) The amount of the contribution with interest thereon; (iii) Compound interest at 4% or at such rate of interest as may be earned by way of interest on the investments made out of the Provident Fund amount; (3) In the event of resignation or retirement of a subscriber interest shall be calculated upto the date of his resignation or retirement, if a subscriber proceeding on leave preparatory to retirement desires to close his Provident Fund Account, interest shall be payable only upto the date of application for such closing of account. (4) In the event of the death of a subscriber, it shall be calculated upto the date of payment to the nominee of legal heirs of the deceased. Provided that no interest shall be paid for any period exceeding 6 months from the date of his death. (5) In the event of a subscriber ceasing to be in the employment of the Council or his death, the Council shall, subject to any deduction to be made on account of sums due from him to the Council, pay to the subscriber or the person entitled thereto the provident fund standing to his credit on the date of his ceasing to be in such employment or his death, together with, in the case of death interest for such further period as may be allowed under the above rules. Provided that a subscriber who voluntarily leave his service by resignation before the expiry of three years from the date of his employment including the period when he was in temporary service, other than on account of his ill health or other cause which in the opinion of the Executive Committee is unavoidable, shall not be entitled to the amount of contribution made by the Council and the interest thereon.

### 5.

(1) Withdrawal by the employees shall not be allowed by the Trustee except on special ground in the following circumstances or circumstances of a similar nature. (a) To pay expenses incurred in connection with the illness of a subscriber or a member of his family. (b) To pay for the cost of passage to a place out of India of an employee or any member of his family. (c) To pay expenses in

connection with marriages, funerals or ceremonies, which by the religion of the subscriber it is incumbent upon him to perform and in connection with which it is obligatory that expenditure should be incurred.(d)To meet the expenditure on building or purchasing a house or site which is assigned to the Trustees of the Fund;Provided that in the case of an employee whose income under the head "Salaries" does not exceed Rs. 3,600/- per annum the trustees of the fund may, in their discretion waive the condition that such house or site shall be assigned to them and instead of requires as a condition that the employee shall not encumber or alienate the property in any manner.(e)To pay premium on policies or insurance on the life of the subscriber or of his wife provided that Policy is assigned to the Trustees of the Fund or at their discretion deposited with them and that the receipts granted by the Insurance Company for the premium are from time to time handed over to the Trustees for Inspection by the Income Tax Officer.(2)For the purpose of Sub-rule (1) 'Family' means any of the following persons who are wholly dependent the employee namely the employees wife or husband legitimate children step children, parents unmarried sisters and minor brothers.

## 6.

(1)The withdrawal in connection with expenses on marriage as specified in Clause (c) of Sub-rule (1) or Rule (5) shall not exceed six months pay or the total of the accumulated except contributions and exempted interest lying to the credit of the employee, which ever is less.(2)The withdrawal for the purpose specified in Clause (d) of Sub-rule (1) of Rule 5 shall be subject to the following.(i)The amount of withdrawal shall not exceed one half of the amount standing to the credit of the employee or the actual cost of the house and/or of the site whichever is less.(ii)The employee shall have completed 25 years of service or if due to retire within the next five years.(iii)The construction of the house shall be commenced within six months of the withdrawal and should be completed within one year from the date of commencement of the construction;(iv)If the withdrawal is made for the purchase of house and/or for a site for house, the purchase should be made within three months of the withdrawal(v)If the withdrawal is made for the repayment of a loan previously raised for the purpose of construction or purchase of a house, the repayment of the loan should be made within three months of the withdrawal.(vi)Where the withdrawal is for the construction of a house it shall be permitted in two or more equal instalments (not exceeded four) a later instalment being permitted only after verification by the trustee about the actual utilization of the earlier withdrawal;(vii)The withdrawal shall be permitted only if the house and/or site is free from encumbrances and no withdrawal shall be permitted for purchasing a share in a joint property of building or house or land whose ownership is divided;(viii)If the amount withdrawal exceeds the actual cost the purchase of construction of the house and/or site or if the amount is not utilized for the purpose for which it is withdrawal, the excess or the whole amount, as the case may be shall be refunded to the trustees forthwith in one lump sum together with interest for the month of such withdrawal at the rate prescribed in Rule 8, the amount refunded shall be credited to the employees account in the Provident Fund.

**3. The withdrawal for any other purpose referred to in Sub-rule (1) of Rules 5 shall not exceed three months pay for the total of the accumulation of the exempted contributions and exempted interest lying in the credit of the employee, whichever is less.**

**4. For the purpose of this rule 'Pay' means the pay to which the employee is entitled at the time when the withdrawal is granted or in the case of an employee referred to in Sub-rule (2) of Rule 5 Part A of the Fourth Schedule of the Income Tax Act, 1961 the pay (including increments if any which he would have received had he not entered the armed force of the Union or been taken into or employee in the national service.**

**7.**

(1)Save as in Sub-rule (2) a second withdrawal shall not be permitted until the sum first withdrawn has been fully repaid.(2)A second withdrawal may be permitted for the purpose specified in Clause (a) of Sub-rule (1) of Rule 5 notwithstanding that the sum withdrawn for any other purpose has not been fully repaid.(3)A withdrawal for any one of the purposes of Sub-rule (1) other than that specified in Clause (e) of that sub-rule may be permitted notwithstanding that the sum withdrawn for the purpose of Clause (e) of the same sub-rule has not been repaid.

**8.**

(1)Where a withdrawal is allowed for a purposes specified in Clause (e) of Sub-rule (1) of Rule 5, or a withdrawal is allowed for a purpose specified in Clause (d) of that sub-rule may by an employee who has completed 25 years of service or who is due to retire in five years, the amount withdrawn need not be repaid.(2)Where withdrawal is allowed in connection with marriage as specified in Clause (c) of Sub-rule (1) of Rule 5, the amount withdrawn shall be repaid in not more than forty eight equal monthly instalment.(3)Where withdrawal is allowed for any other purpose the amount withdrawn shall be repaid in not more than twenty four equal monthly instalments.(4)Ordinarily the period of repayment of withdrawal, other than in those cases where the repayment need not be made under these rules, shall be so fixed as to expire at least three months before the date of retirement of the employee in the normal course.(5)In respect of withdrawals which are repaid is not more than 12 monthly instalments, an additional payment of 4 per cent per annum of the amount withdrawn shall be paid on account of interest, an in respect of withdrawals which are repaid in more than 12 monthly instalments but not more than 24 monthly instalments with two additional instalments of 4 per cent on the amount withdrawn and in the case of these withdrawals repaid in more than 36 but not more than 48 monthly instalments four additional instalments of 4 percent on amount withdrawn shall be paid on account of interest.Provided that in the case of the amount refunded under Clause (viii) of Sub-rule (2) of Rule 6, the amount of interest shall be 4 per cent of the amount which is refundable;Provided further that at the discretion of the trustee of the fund, the interest may be recovered in the amount aforesaid or the balance thereof outstanding from time to time at 1

per cent above the rate which is payable for the time being on the balance in the fund at the credit of the employee.(6)The employer shall deduct such instalments from the employees salary and pay them to the trustee, these deductions shall commence from the second monthly payment made after the withdrawal or in the case of an employee on leave without pay from the second monthly payment made after his return to duty.(7)In case of default of payment of instalments under these rules the Commissioner of Income Tax may at his discretion order that amount of withdrawal or the amount outstanding shall be added to the total income of the employee for the year in which the default occurs and the Income Tax Officer shall assess the employee accordingly.(8)Notwithstanding anything contained in Rules 5 to 8, it shall be open to the trustee to permit the withdraw of ninety percent of the amount standing to the credit of an employee if the employee takes leave preparatory to retirement :Provided that, if he rejoins duty on the expiry of his leave he shall refund the amount drawn together with interest at the rate allowed by the fund.(9)A subscriber shall not be entitled to receive the contribution and the interest thereon if he is dismissed from the service of the Council.(10)Whenever a subscriber shall have forfeited the contribution with interest thereon, the amount so forfeited shall be credited to the funds of the Council.(11)Each subscriber shall assign a declaration in the prescribed form specifying his nominees in the case of death. A Register of Nominee shall be maintained. A Subscriber shall be at liberty to change his nominee or nominees, in which case the fund becomes payable only to the last of the nominee, and a receipt by such nominee or nominees shall be completed discharge of all liabilities in respect of the Fund.

**12. (i) If a subscriber nominates more than one person, he must specify in the declaration form, the preparation in which the amount payable shall be distributed among them.**

(ii)In case of death without nomination, the fund becomes payable to his legal representatives.(iii)In case of nominee is a minor the name of his guardian should be mentioned.

**13. No subscriber shall be entitled to assign or encumber the fund before it becomes payable.**

**14. The Council shall not be entitled to recover any sum whatever from the fund save in cases where the subscriber is dismissed from misconduct or in cases covered by proviso to Rule 4 (5).**

Provided that in such cases the recoveries made by the Council shall be limited to the Contributions made by the Council to the individual account of the employee, and to interest credit in respect of such contribution in accordance with the regulations, of the fund and the accumulation thereof.

**15. The accounts of the fund shall be audited every year.**

**16. Save as otherwise provided for, these rules and any amendment therein, shall be dividing on every subscriber and every person deriving title from him.**

**17. The power of interpreting these rules and of deciding cases of disputes or doubt is vested in the Council and its decision shall be final.**

**18. These rules shall come into effect on such as the Bar Council may resolve in that behalf.**

CuttackSecretaryForm of DeclarationI, hereby declare that in the event of my death the amount at my credit in the provident fund shall be distributed amongst the persons mentioned below in the manner shown against their names.The amount due to the nominee who is a minor at the time of death should be paid to the guardian whose name appears in column 3.

Name and address of the Nominee or Nominees	State if Nominee is a minor or an adult	Name and address of the person to whom thepayment is to be made if nominee is minor	The Share of each of the nominees if more thanone
1	2	3	4
Signature of two attesting witness		Signature of Subscriber	

**1.**

**2.**

StationDate