

Orissa Advocate's Welfare Fund Rules, 1986

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India

Orissa Advocate's Welfare Fund Rules, 1986

Rule ORISSA-ADVOCATE-S-WELFARE-FUND-RULES-1986 of 1986

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Orissa Advocate's Welfare Fund Rules, 1986 Framed By Orissa State Bar Council Chapter-I Preliminary

1. Short title, extent and commencement.

- (i) These rules may be called the 'Orissa Advocate's Welfare Fund Rules, 1986. (ii) It extends to the whole of the State of Orissa. (iii) These rules and the Schemes under the Rules shall come into force on such date as the State Bar Council by resolutions appoint in this behalf.

2. Definitions.

- In this rules, unless the context otherwise requires - (a) "Advocate" means an Advocate on the roll maintained by the Orissa State Bar Council and practising as an Advocate; (b) "Act" means the Advocates Act, 1961; (c) "Advocates Welfare Fund" or "Fund" means the Fund constituted and maintained under the Act, and these rules; (d) "Bar Council" means the Orissa State Bar Council, constituted under Advocates Act, 1961; (e) "Bar Association" means an Association of Advocate, attached to any Court or Tribunal or other authority discharging functions of Judicial or quasi-judicial nature in the State of Orissa and affiliated to the Bar Council in accordance with the Scheme prescribed by it in this behalf; (f) "Disabled Advocates" means an Advocate who on account of any illness or any physical or mental infirmity unable to practice temporarily or permanently and who is in the opinion of the Welfare Committee is in need of financial assistance; (g) "Indigent Advocate" means an Advocate who is unable to maintain himself and his family from his profession and other income and who is so certified by the Bar Association of his/place of practices. In the opinion of Welfare Committee is in the need of financial assistance. (h) "Family" means the Advocate's wife or in the case of female, her husband or her minor children or aged parents, actually dependent on the Advocate for maintenance; (i) "Dependants" means wife, husband, father, mother and unmarried minor children or such of them as exist; (j) "Serious Ailment" means, ailment of

serious nature affecting brain, heart, lungs, abdomen, or compound fracture or any part of the body which requires treatment for more than one month;(k)"Prescribed" means prescribed by the Orissa State Bar Council by passing a resolution or in the Schemes prepared in this behalf;(l)"Welfare Committee" means the Committee of the Council constituted in accordance with these rules by the Orissa State Bar Council from among its members;(m)"Welfare Fund" means the fund or funds constituted under these rules;(n)"Welfare Scheme" means a Welfare Scheme formulated by the Orissa State Bar Council from time to time under Clause (a) of Sub-section (2) of Section 6 of the Advocates Act and these rules;(o)"Hard cash" means the dependant of the deceased advocate having no financial means and under in the circumstances immediate help is felt necessary by the Welfare Committee;(p)"Secretary" means the Secretary of Orissa State Bar Council;(q)"Financial Year" means the year from 1st April to 31st March of the next year.

Chapter -II Constitution and Financing of the Fund

3. Constitution and maintenance of fund.

(1)The Bar Council shall constitute and maintain a Fund to be called "Advocate Welfare Fund".(2)The Fund shall consist of -(a)Any advance or contribution given by the State Government;(b)Receipt from the candidates at the time of enrolment towards Group Insurance Scheme and from the practising Advocates to the Group Insurance Scheme;(c)Any grants donations, gifts or beneficiary received from any quarter, interest, earned and credited to the fund from time to time;(d)All grants received from Bar Council of India or Bar Council of India Trust;(e)Money realised from any other service;(f)Such other sums as the Bar Council may decide from time to time.

4.

The Fund shall vest in the Bar Council.(b)The accounts of the "Orissa State Bar Council Welfare Fund" shall be opened in a Nationalised Bank and shall be operated jointly by the Chairman and Secretary of Orissa State Bar Council.

5. Sub-Division of Fund.

- The Bar Council may sub-divide Welfare Fund in accordance with Welfare Scheme for the smooth implementation of such Schemes. The aggregate of the Welfare Fund and such sub-divided funds under different schemes shall be the Welfare Fund and each of the Subdivided fund shall be administered in accordance with these rules and the scheme to which the said fund relates.

Chapter - III Constitution and Function of Welfare Committee

6.

These shall be a Welfare Committee of the Orissa State Bar Council consisting of Chairman of the Council and five members duly nominated by the Council. The Secretary of the Orissa State Bar Council shall be the Secretary of the Committee. The Membership of the Committee shall terminate on the expiry of the term of membership in the Council. Any casual vacancy in the Welfare

Committee shall be filled up by the Council.(b)The Chairman of the Council shall be the Chairman of the Committee.

7. Meetings.

(a)Three members present shall form the quorum.(b)The Chairman of the Committee and in his absence another member elected from the Members of the Committee present shall preside over the meeting, who shall have casting vote in case votes became equal in any issue of the question.

8. Function of the Welfare Committee.

(a)It shall administer the Welfare Fund and different sub-funds created for specific schemes.(b)It shall formulate and implement all welfare schemes subject to all directions of the Council and confirm it with these directions.(c)It shall dispose of applications under Welfare Schemes.(d)It shall receive all donations, contributions to the Welfare Fund or allocate it to any sub-funds may be necessary.(e)It shall act as an Executive Body of the Council in relation to the Welfare Activities of the Council;(f)It shall submit to the Council the reports from time to time on the functioning of the Welfare Schemes and its financial implementations.(g)It shall determine the method of investment of funds subject to the approval of the Council.(h)It shall transact such other functions or functions as the Council by resolutions would assign to it from time to time.

9. Bank Account.

- It shall open an account as "Orissa State Bar Council Advocates Welfare Fund" in the State Bank of India or any Nationalised Bank. The Welfare Fund Accounts shall be operated under the joint signature of its Chairman and Secretary.Chapter - IV

10.

The Welfare Scheme may consist of any or all of the following. -(a)Assistance to affiliated Bar Association for Library furniture;(b)Assistance to indigent and disabled Advocates;(c)Insurance benefits to Member Advocates;(d)Implementation of co-operative Housing, Library Schemes amongst Advocates;(e)Assistance for medical treatment;(f)Assistance to the dependant of the deceased Advocates,(g)Such other schemes as the Bar Council may direct by its resolutions.

11. Framing of the Schemes.

- (i) All Schemes framed for any Welfare measure shall be placed by the Committee before the Council with a report, on feasibility of operation of the Scheme with financial implication, the Council may adopt, modify, after, amend, disallow or direct modification of the scheme and the decision of the Council shall be final and shall implemented by the Committee on such date and in such manner as may be directed by the Council in this behalf.(ii)An indigent Advocate practising in any Court or Tribunal in Orissa shall be entitled to apply for appropriate financial assistance in case

of serious ailment, compelling him to remain confined to bed for more than one month, in the form prescribed for the purpose or in a form similar thereto addressed to the Chairman, Orissa State Bar Council. The application must be recommended by the Advocate concerned is a member on receipt of such application the Secretary of the State Bar Council shall place the same before the Welfare Committee from time to time. The Welfare Committee shall make such enquiry as may be necessary.(iii)The Welfare Committee when decides to grant financial assistance in an appropriate case shall sanction such as may be necessary to complete any treatment, connected with the ailment of the Advocate concerned not exceeding a sum of Rs. 5,000/-. (iv)Financial grant to the Advocate concerned shall ordinarily be paid without delay, if the Advocate is unable to come for receiving the money so sanctioned the Secretary of the Orissa State Bar Council may send the amount through the cheque by post.(v)If the Welfare Committee finds that any statement given or evidence adduced by the applicant was false in material particulars the Committee shall refer the matter in the Bar Council with its report and the Council may call upon the applicant to refund the entire amount of any disciplinary proceeding be instituted against him.(vi)The applicant advocate aggrieved on any order passed by the Welfare Fund Committee may file an appeal before the State Bar Council within 30 days for consideration.(vii)The Welfare Fund Committee shall also consider the applications twice a year and sanction the appropriate grant not exceeding Rs. 5,000/- to the Bar Associations affiliated under it for development of library. However, the Welfare Committee may in its discretion ask the Bar Association receiving the grant to provide a matching contribution not exceeding an equal amount.(viii)The Bar Association which receives the amount once will not ordinarily be eligible again till after the lapse of four year.(ix)The grant will be given not in cash but way of books desired to be purchased by the Association.(x)The books that will be supplied under the Scheme shall bear stamp containing the following inscription."Orissa State Bar Council Welfare Fund"(xi)The Bar Association receiving the grant will maintain list of books supplied to it.

Over All Powers Of The Bar Council(i)The functioning of the Welfare Committee shall be subject to the over all control of the Bar Council and the Bar Council may for the purpose give such directions from time to time which shall be executed by the Welfare Committee.(ii)Without prejudice to the generality of the aforesaid provision, the Bar Council may call for the records of the Welfare Committee at any time and may by resolution, cancel, alter, amend, modify or rectify any of the decisions of the Bar Council shall be implemented by the Welfare Committee.(iii)The Bar Council may at any time by resolution withdraw, abolish or abandon the operation of any scheme and on such withdrawal, abolition or abandonment, all the moneys, and liabilities in respect of the schemes shall stand transferred to any rest in the Council.(iv)**Miscellaneous****Removal of doubts**For sanction of grant to the Bar Association, Lawyers Associations, Lawyers Forum and any other individual or Association etc. on special occasion the same will be considered by the Council, hence covered under Rule IV of the aforesaid rule.(i)For removal of doubt it is made clear that for any matter which specific provision has not been made in the rules of the scheme, the decision of the Council shall be final.(ii)In absence of any rules on any particular matter in any State Bar Council rules, this rules provided in Bar Council of India rules be followed.