

# The Orissa Advocates' Welfare Fund Rules, 1981

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## The Orissa Advocates' Welfare Fund Rules, 1981

### Rule THE-ORISSA-ADVOCATES-WELFARE-FUND-RULES-1981 of 1981

- Published on 20 November 1981
- Commenced on 20 November 1981
- [This is the version of this document from 20 November 1981.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Advocates' Welfare Fund Rules, 1981Published vide Notification No. Orissa Gazette, Part 8 dated 20.11.1981

## Chapter I Preliminary

### 1. Short title, extent and commencement.

(1)These rules may be called the Orissa Advocates' Welfare Fund Rules, 1981.(2)It extends to the whole of the State of Orissa.(3)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.Notes-These Rules were approved by the Bar Council of India vide Resolution dated 2nd October, 1981, as communicated to this Council in their letter No. BCI/ D/2/49/1981, dated the 10th October, 1981.

### 2. Definitions.

- In these rule, unless the context otherwise requires-(a)"Advocate" means any Advocate on the roll maintained by the 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 Association" means an Association of Advocates attached to any Court or any 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;(e)"Bar Council" means the Orissa State Bar Council constituted under the Advocates Act, 1961;(f)"Disabled advocate" means an Advocate who on account of any illness or any physical or mental infirmity is unable to practise temporarily or permanently and who in the opinion of the Welfare Committee is in need of financial assistance;(g)"Indigent Advocates" means an advocate

who is unable to maintain himself or his family and who in the opinion of the Welfare Committee, is in need of financial assistance;(h)"prescribed" means prescribed by the Bar Council by passing a resolution or in the schemes prepared in this behalf;(i)"Welfare Committee" means the Committee of the council constituted in accordance with these rules by the Orissa State Bar Council from among its members ;(j)"Sub-Committee" means the Sub-Committee of the Welfare Committee constituted by the Welfare Committee for administration and management of any particular welfare scheme.(k)"Welfare Fund" means the fund or funds constituted under these Rules :(l)"Welfare Scheme" means welfare scheme formulated by the Bar Council from time to time, under Clause (a) of Sub-section (2) of Section 6 of the Advocates Act and these rules.(m)"Year" means the financial year commencing on the first April.

## **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 the Advocates' Welfare Fund.(2)The fund shall consist of-(a)an, initial amount of Rs. 50,000 already set apart by the Bar Council and such other amount as the Bar Council may credit to this Fund from its other funds from time to time;(b)any advance or contribution given by the State Government;(c)net receipt from Advocates and Bar Associations in, accordance with the welfare schemes ;(d)any grants, donations, gifts or benefactions received from any quarter, interest earned and credited to the time to time;(e)all grants received from B.C.I. or B.C.I. Trust(f)moneys realised from any other source; and(g)such other sums as the Bar Council may decide from time to time.

#### **4.**

The fund shall be vested in the Bar Council.

#### **5. Sub-division of Fund.**

- The Bar Council may subdivide the Welfare Fund in accordance with the welfare schemes for the smooth implementation of such schemes. The aggregate of the welfare fund and such subdivided 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 functions of welfare committee and Sub-committee**

## **6.**

(a) There shall be a welfare committee of the State Bar Council consisting of the Chairman of the Council and four members duly elected by the Council. The Secretary of the Council shall be the Secretary of the Committee. The membership of the committee shall terminate on the expiration of the membership of the Council. Any casual vacancy in the welfare committee would be filled up by the Bar Council. (b) The Chairman of the Council shall be the Chairman of the committee.

## **7. Meetings.**

(a) Three members shall form the quorum. (b) The Chairman of the committee and in his absence another member elected from the member of the committee present shall preside over the meeting.

## **8. Sub-Committee.**

- The Committee may for looking after, managing or administering the functions of any particular scheme constitute a Sub-Committee with such number of its members as it deems necessary. Such Sub-Committee shall remain in overall charge of the scheme assigned to it subject to control of the committee but shall not have any powers of expenditure except in accordance with the direction of the committee issued in conformity with these rules.

## **9. Functions of the Welfare Committee.**

(a) It shall administer the welfare fund and different Sub-funds created for specific scheme. (b) It shall formulate and implement all welfare schemes subject to all directions of the Council and in conformity with those directions. (c) It shall dispose of all applications under different schemes. (d) It shall receive all donations contributions, etc., to the welfare fund or allocate it to any Sub-fund as may be necessary. (e) It shall cause the accounts to be maintained for each scheme separately strictly as per the provisions of the scheme. (f) It shall prepare a budget which shall be submitted to finance committee for its views and shall incur expenditure as per the budget on it being passed by the Council. (g) It shall cause the accounts to be audited by the Chartered Accountant auditing the Bar Council accounts. (h) It shall submit to the Council half yearly reports on the Functioning of the welfare scheme and its financial implications. (i) It shall act as an executive body of the Council in relation to welfare activities of the Council. (j) It shall determine the method of investment of the funds or Sub-funds, subject to the approval of the Council. (k) The welfare fund accounts shall be operated under the joint signature of its Chairman and the Secretary. (l) It shall transact such other function or functions as the Council by resolution would assign to it.

## **10. Bank account.**

- It shall open an account as "Orissa State, ;Bar Council Advocates Welfare Fund" in the State Bank of India and may open different accounts under different schemes in out-station banks under the name of "Orissa State Bar Council Advocates Welfare Fund Scheme" (name of the scheme) to

facilitate collection of moneys from Advocates and Bar Associations at different stations. The committee can transfer funds from one of its several welfare accounts to another by a resolution.

## **Chapter IV**

### **11.**

The welfare scheme may consist of any or all of the following : (a) Assistance to affiliated Bar Association for library, furniture, buildings, etc.; (b) Assistance to indigent and disabled Advocates; (c) Implementation of Provident Fund benefit to member or Advocates; (d) Insurance benefits to member or Advocates; (e) Implementation of Co-operative Housing, Library Scheme amongst Advocates; (f) Financial assistance or loan to junior lawyers for library and housing; (g) Opening of Lawyers' Rest Shed Hostels; (h) Providing death or retirement benefits; (i) Such other schemes as the Bar Council by its resolution direct.

### **12. Framing of Schemes.**

- 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, alter, amend, disallow or direct modifications of the Scheme and the decision of the Council shall be final and shall be implemented by the committee on such date and in such manner as may be directed by the Council in this behalf.

### **13. Overall powers of the Bar Council.**

- (i) The functioning of the welfare committee shall be subject to the overall control of the Bar Council and the Bar Council may for the purpose give such directions from time to time which shall be carried out by welfare committee. (ii) Without prejudice to, the generality of the aforesaid provision, the Bar Council may at any time call for the record or records of the welfare committee or any sub-committee at any time and may by resolution cancel, alter, amend, modify or rectify any of the decisions or resolutions of the welfare committee or sub-committee and such decision of the Bar Council shall be implemented by the welfare committee or the sub-committee, as the case may be. (iii) The Bar Council may at any time by resolution withdraw, abolish or abandon the operation of any schedule and on such withdrawal, abolition or abandonment, all the moneys, assets and liabilities in respect of the scheme shall stand transferred to and vest in the council.

### **14.**

Upon implementation of any welfare scheme by the Bar Council of India or the Bar Council of India Trust, any scheme on similar subject drawn up under these rules and in operation shall be withdrawn by the Bar Council.

## **Chapter V**

### **Miscellaneous**

#### **15. Removal of doubts.**

- For removal of doubts it is made clear that for any matter for which specific provision has not been made in the Rules of the scheme, the decision of the Council shall be final.