

Orissa



Gazette

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The Orissa Advocates' Welfare Fund (Retirement Benefits) Rules, 1989

Law Department
Notification

The 5th January, 1990

S.R.O. No.21/90- In exercise of the powers conferred by Section 27 of the Orissa Advocates Welfare Fund Act, 1987 (Orissa Act 18 of 1987), the State Government, in consultation with the Committee, do hereby make the following rules, namely.

1. Short title and commencement - (1) These rules may be called the '[Orissa Advocates' Welfare Fund (Retirement Benefit)] Rules, 1989.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - (1) In these Rules, unless the context otherwise requires :

(a) "Act" means the Orissa Advocates' Welfare Fund Act, 1987;

(b) "Form" means a form appended to these rules;

(c) "Permanent disablement" means such disablement which incapacitates a person to continue his practice as an Advocate;

(d) "Practice" means carrying on the profession of Advocate;

(2) All words and expressions used in these rules, but not defined therein shall have the same meaning as are assigned to them in the Act.

3. Application for recognition and registration - (1) An application under Section 13 of the Act shall be made in Form No.I.

(2) Every application in Form No.I shall be accompanied by an authenticated copy of the rules and/or bye-laws of the association, an up-to-date list of the members of the Association showing the name, address, age, (date of birth), date of enrollment and the roll number in State Roll maintained by the Bar Council under Section 17 of the Advocates Act, 1961 the place where the member ordinarily practises, the period of suspension, if any, and such application shall be duly signed by the President and Secretary of the association.

(3) The certificate of registration to be issued by the Bar Council shall be in Form No. II.

(4) The Bar Council may recognise and register more than one Bar Association at a place where one or more Courts are located for special reasons to be recorded in writing.

4. Application for Membership in the Fund - (1) Every application under Section 15 of the Act for admission as a member of the Fund shall be made in Form No. III signed by the applicant and attested by the President and Secretary of the Bar Association of which he is a member.

*. Published in the Orissa Gazette Ext. No. 43/10.1.1990.

1. Substituted vide Law Dept. Notfn. No. MJ-16/05/9713/L dated 21.8.07

(2) An Advocate having membership in more than one Bar Association shall be eligible to apply to be admitted as member of the Fund only from one of such association.

(3) An Advocate applying for membership of the Fund shall pay a sum of Rs.200.00 towards the application fee along with the application.

Provided that an advocate having less than five years standing will pay only a sum of Rs.100.00 towards the application fee.

(4) Payment of the application fee shall be made by means of a Crossed Demand Draft drawn in favour of the "Advocates Welfare Fund Trust" payable at the nationalised Bank at Cuttack.

(5) On admission of a member to the Fund, the Committee shall issue a certificate in Form No. IV.

(6) The Committee shall prepare and maintain a register of membership in Form No.V.

(7) Any decision of the Committee rejecting an application for admission shall be communicated to the applicant by registered post with acknowledgement due.

[(8) If any member fails to remit the annual subscription before the 30th June of that year, with an opportunity of being heard, he shall be liable to be removed from the membership of the fund by an order of the committee.]

5. Readmission to the Fund - (1) A person readmitted to the Fund under Sub-section (3) of Section 16 of the Act shall be treated as a new member from the date of his readmission for all purposes of the Act.

(2) For calculating the period of completed years of practise of a member referred to in sub-rule (1) for the purpose of payment under the Act, his practice at the Bar prior to his readmission shall be ignored.

(3) An application for readmission shall be in Form No.VI.

6. Stamp Register - The Committee shall maintain a separate register showing the amounts received from the State Government from time to time towards sale of stamp under Sub-section (5) of Section 22 of the Act.

7. Collection of an amount due to the Fund - (1) The Bar Council shall transfer to the fund 20 percent of the enrolment fee collected during a financial year before the 30th April of the succeeding year.

(2) Separate account shall be maintained for the receipt under each of clause (a) to (f) of Sub-section (2) of Section 3 of the Act.

8. Payment from the Fund - All applications to the Committee for payment out of the Fund shall be in Form No.VII.

9. Notice, Quorum etc. of meeting of the Committee - (1) Ten days notice shall be given for a meeting of the Committee by registered post with acknowledgement due.

(2) The meeting of the Committee shall be ordinarily held at the office of the Bar Council.

(3) The quorum to constitute a meeting of the Committee shall be two-third of the total number of members of the Committee including Chairman.

(4) No proceeding of the Committee shall be invalidated on the ground of non-service of notice on any individual member.

10. Appeal - (1) An appeal under Section 21 of the Act shall be preferred in Form No VIII within thirty days from the date of communication of the order.

(2) The Government shall give due notice of the date, time and place of the hearing of the appeal to the appellant and the Secretary of the Committee.

(3) The State Government may, before disposing of an appeal, make such further enquiry, as it thinks fit.

(4) A copy of every order passed in appeal certified as true and correct, shall be communicated to the appellant and the Committee.

11. Removal from Membership - The Committee if satisfied that any person has got himself admitted to the membership of the Fund by misrepresentation or suppression of any material fact or by fraud, may remove the name of such person from the membership of the fund after affording him an opportunity of being heard. On such removal all benefits accrued to such member by virtue of the provisions of the Act and the Rules shall stand forfeited.

Form No. I

[See Section 13 and rule 3(1)]

Application for Recognition and Registration

1. Name of the Association
2. Whether registered under the Societies Registration Act, 1860 or other similar Act.
3. Name/s of Court/s in the Centre.
4. Number of the members practising at the time of application (Name, address, date of enrolment, age and date of birth, date of suspension and resumption, if any). Detail should be furnished separately.
5. Name and address of the President and Secretary.

We.....do hereby solemnly affirm that the particulars stated above are true and correct.

Place :

Date :

President

Secretary

(Seal of the Association)

(Emblem of Bar Council)

Form No. II

[See Section 13 and rule 3(2)]

The Bar Council of Orissa

Certificate of Registration

The Bar Council of Orissa, do hereby certify that the..... Association is registered under Section 13 of the Advocates' Welfare Fund Act, 198 and its registration No. is..... Given under my hand and seal of the Bar Council of Orissa.

Dated this the..... day of.....200

Seal

Chairman

Form No. III

[See Section 15 and rule 4(1)]

Application for admission to the Fund

1. Name and address (in block letters)
 2. Age and Date of birth of applicant
 3. Date of enrolment under the Advocates' Act, 1961.
 4. Details of practice.
 5. Number of Vakalats filed for the last five years (Approximately).
 6. Place or places of practice.*
 7. Suspensions or discontinuance of practice, if any with details of suspension and resumption.
 8. Name and address of the nominee or nominees with the proportion of share to be paid to each.
 9. Amount and date of payment to this Fund under Section 15(3) (Receipt to be attached).
 9. Admission fee how paid (with particulars)
- I..... do solemnly affirm that the particulars furnished above are true and correct.

Place :

Date

Attested by

Signature of the applicant

President

Secretary

* In case the applicant has practised in more than one Court certificate from the President or Secretary of Bar Association of each Court has to be furnished.

Form No. IV

[See Section 15(2) and rule 4(5)]

Certificate of Membership

The Orissa Advocate's Welfare Fund Trust Committee certify that Shri/ Smt.....is admitted to the membership of the said Fund under Section 15(2) of the Advocates' Welfare Fund Act, 1987.

Given under my hand and seal of the Orissa Advocates' Welfare Fund Trust Committee.

Dated this the.....day of200

Seal

Chairman

Form No. V

Form of Registration of M

[illegible]

Form No.VI

[See Section 16(3) and rule 5(3)].

Application for Readmission to the Fund

1. Name and address (in block letters)
2. Age, date of birth of applicant
3. Date of Enrolment under the Advocates' Act, 1961.
4. Details of practice.
5. Number of Vakalats filed for last five years (Approximately)
6. Place or places of practice.*
7. Suspension or discontinuance of practice, if any, with details of suspension and resumption.
8. Name and address of the nominee or nominees with the proportion of share to be paid each.
9. Amount and date of payment to the Fund under Section 16(3) (receipt to be attached)
10. Admission fee how paid (with particulars)
11. Date of previous admission to the membership of the fund.
12. Date of previous retirement from the Fund.

I do solemnly affirm that the particulars furnished above, are true and correct.

Place :

Date :

Signature of applicant

*In case the applicant has practised in more than one Court certificate from the President or Secretary of Bar Association of each Court has to be furnished.

Form No.VII

[See Section 16 and rule 8]

Application for Payment from the Fund

1. Name and address (in block letters)
2. Age and date of birth of member.
3. Date of Enrolment under the Advocate's Act, 1961.
4. Registration number of the Advocates' Welfare Fund Act, 1987.
5. Details of Practice.*
6. Number of Vakalats filed for last five years (Approximately)
7. Place or places of practice.
8. Completed years of practice excluding period of suspension, removal and cessation of practice.
 - (1) Before the Act.
 - (2) After the Act
9. Date of retirement/cessation of practice.

Place :

Signature of the applicant

Date :

* In case the applicant has practised in more than one Court certificate from the President or Secretary of Bar Association of each Court has to be furnished.

Form No.VIII

[See Section 21 and rule 10(1)]

(Appeal Under Section 21)

Appeal No. _____ of 200

1. Name and address (in block letters)
2. Number and date of order/appeal against
3. Date of receipt of order.
4. Number and date of receipt evidencing payment.
5. Statement of facts.
6. Ground of appeal.

I do solemnly affirm that the particulars furnished above are true and correct.

Place :

Date :

Signature of the applicant

