

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

---

---

No. 2061 CUTTACK, MONDAY, NOVEMBER 4, 2019/KARTIKA 13, 1941

---

---

**ODISHA STATE BAR COUNCIL ADVOCATES' WELFARE  
(PENSION, FAMILY PENSION & DEATH BENEFIT)  
RULES, 2006**

**Notification No.113 - OSBC, Dated:25/10/2019**

Whereas it is expedient to provide a general Rule to govern the Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death Benefit) Scheme & regulate the Advocates' Pension Fund; The Odisha State Bar Council makes the Rules on the 29th day of November, 2006 as follows:

**1. SHORT TITLE, EXTENT & COMMENCEMENT :**

- (1) This Rule may be called the Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death Benefit) Rule.
- (2) It extends to the territorial limits of Odisha State Bar Council.
- (3) It shall come into force w.e.f. 29th day of November, 2006.

**2. DEFINITIONS IN-THIS RULES UNLESS THE CONTEXT OTHERWISE REQUIRES :**

- (i) 'The Scheme' means, the Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death Benefit) Scheme.
- (ii) 'Old Age' means age of the Member-Advocate after completion of 65 years.
- (iii) 'Pension' means an amount of Rs. 30,000/per annum or Rs. 7,500/- per quarter payable to the Member-Advocate on his/her attaining the old age.
- (iv) 'Member-Advocate' means an Advocate on the State Roll of Odisha State Bar Council admitted into the Scheme, as a Member except. Advocates, who are availing pension at the retirement from their service.
- (iv) (a) The Member Advocates on being entitled to avail pension shall make an application for disbursement of quarterly pension within a month of completion of his/her 65 years of age along with Bank account No., IFSC code and shall appear before the Administrator

to satisfy him that he/she is alive and the Administrator on being satisfied shall take steps for disbursement of pension.

(b) The Member Advocate while availing pension shall appear before Administrator on completion of every year within a month there after and shall satisfy the Administrator that he/she is alive.

(c) On death of the Member Advocate, the spouse of Member Advocate shall have to make an application appearing before Administrator claiming quarterly Family Pension on production of the death certificate of Member Advocate.

(d) The spouse while availing Family Pension shall appear before Administrator on completion of every year within a month there after and shall satisfy the Administrator that he/she is alive.

(e) In case Member Advocate availing pension or his/her spouse availing family pension is not able to appear before the Administrator on account of his/her illness, president/Secretary of the Bar Association of which the Member Advocate is/was a member shall certify in writing that the Member Advocate or his/her spouse is alive and ailing and is not able to appear before the Administrator personally.

(f) The disbursement of pension/ family pension shall be stopped unless and until the Administrator is satisfied that the Member Advocate or his/her spouse is alive.

(v) 'Family Pension' means the amount payable to the living spouse of the Member-Advocate after his/her death at the rate of an amount equal to the pension till the date on which the Member Advocate would have completed 72 years and thereafter 50% of the Annual Pension per year till his/her death.

(vi) 'Proportionate Pension' means Pension payable to the Member-Advocate on attaining old age if the payable of contribution was discontinued due to his/her death or other reasons and the Member-Advocate failed to pay the total contribution payable by him/her as ,applicable to his/her age group.

(vii) 'Proportionate Family Pension' means family Pension payable to the spouse of the Member Advocate which is equal to proportionate Pension payable to the Member-Advocate till the date from which the Member-Advocate would have completed 72 years and thereafter , 50% of the same till her/his death.

(viii) 'Nominee' means the person or persons nominated by the Member-Advocate with their particulars. The Member-Advocate shall give direction in writing while applying for

admission as a Member of the scheme, if the nominee/ nominees shall be simultaneously entitled to get their share from the amount of Rs.1,60,000/ in case of death of the Member-Advocate and his/her spouse before availing pension/family pension, after the date on which the Member Advocate would have completed the age of 65 ' years, the Member- Advocate shall specify as to how the amount has to be apportioned amongst the nominees. If the Member Advocate directs that the 1st nominee will get the entire amount, in that case the Member Advocate has to nominate five persons in order of preference as 1st nominee, 2nd nominee, 3rd nominee, 4th nominee and 5th nominee, so that the amount can be paid to those nominees in order of preference.

(ix) 'Advocates Pension Fund' means that funds raised by the contribution of the Member Advocates under the Advocates Pension, Family Pension-cum-Death Benefit Scheme and also the funds can be raised by way of accepting Donations, Grants, Aids

and Contributions received from Government of India, Government of Odisha, Semi-Government Organisations, Bar Council of India and Corporate Sectors and Funds received from any other Welfare Funds on transfer by way of resolution of the Council.

- (x) 'Committee' means the Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death Benefit) Committee.
- (xi) 'Administrator' means the Secretary of Odisha State Bar Council, who will act as the Administrator of the Advocates' Pension Fund of Odisha State Bar Council.
- (xii) 'Fund' means the Advocates' Pension Fund of Odisha State Bar Council.
- (xiii) 'Council' means the Odisha State Bar Council.
- (xiv) 'Accounts Officer' means an officer appointed by the Council to supervise and exercise control over the accounts under the Scheme & shall include Sr. Accounts Officer or Jr. Accounts. Officer by whatever name the Council designates.
- (xv) 'Accountant' include Sr. Accountant, Accountant and Jr. Accountants.
- xv (a) "Accounts Assistant means an assistant in the cadre of Jr. Asst. Appointed to deal the accounts matters under the scheme.
  - (b) A person being a BBA or a graduate in Commerce having efficiency in Computer Application with the knowledge of Tally may be appointed as Accounts Assistant.
  - (c) Accounts Assistants having minimum experience of 5 years as Accounts Assistant under the scheme shall be eligible to be considered for promotion to the post of Jr. Accountant.
  - (d) Junior Accountants having minimum experience of 10 years as Jr. Accountant under the scheme shall be eligible to be considered for promotion to the post of "Accountant".
  - (e) Accountants having minimum experience of 3 years as Accountant under the scheme shall be eligible to be considered for promotion to the post of "Accounts Officer".
- (xvi) 'Chairman' means Chairman of the Council. .
- (xvii) 'Chairman Finance Committee' means the Chairman of the Finance Committee of the Council.
- (xviii) 'Total Contribution' means the Contribution, which a Member-Advocate is required to pay within the period prescribed in the Scheme according to his age group.
- (xix) 'One Time Contribution' means the contribution, which a Member-Advocate is required to pay in full at the time of admission into the Scheme as prescribed under the scheme in order to be entitled to avail pension on attaining the old age without further payment after admission into the Scheme.
- (xx) 'Spouse' means and includes husband or wife of the Member-Advocate.
- (xxi) 'Prescribed Form' means the form to be prescribed by the Administrator.

### **3. CLASSIFICATION OF MEMBER-ADVOCATES AND THEIR CONTRIBUTION TO THE FUND:**

Member-Advocates shall be classified as per their age group on the date of their admission into the Scheme.

#### **GROUP "A"**

Advocates not completing the age of 30 years on the date of their admission into the Scheme shall pay Rs.1600/- per annum or Rs. 400/- per quarter for a continuous period of 30 years or Rs.20,000/- may be contributed as one time contribution at the time of admission into the Scheme.

#### **GROUP "B"**

Advocates completing 30 years of age and not completing the age of 35 years on the date of their admission shall pay Rs. 2000/- per annum or Rs. 500/ per quarter for a continuous period of 25 years or Rs. 25,000/- may be contributed as one time contribution at the time of admission into the Scheme.

#### **GROUP "C"**

Advocates completing 35 years of age and not completing the age of 40 years on the date of their admission shall pay Rs. 2600/- per annum or Rs. 650/ per quarter for a continuous period of 20 years or Rs. 30,000/- may be contributed as one time contribution at the time of admission into the Scheme.

#### **GROUP "D"**

Advocates completing 40 years of age and not completing the age of 45 years on the date of their admission shall pay Rs. 3600/- per annum or Rs. 900/ per quarter for a continuous period of 15 years or Rs. 40,000/- may be contributed as one time contribution at the time of admission into the Scheme.

#### **GROUP "E"**

Advocates completing 45 years of age and not completing the age of 50 years on the date of their admission shall pay Rs 5000/- per annum or Rs. 1250/ per quarter for a continuous period of 11 years or Rs.45,000/- may be contributed as one time contribution at the time of admission into the scheme.

#### **GROUP "F"**

Advocates completing 50 years of age and not completing the age of 55 years on the date of their admission shall pay Rs. 6000/- per annum or Rs. 1500/ per quarter for a continuous period of 10 years or Rs. 50,000/- may be contributed as one time contribution at the time of admission into the Scheme.

#### **GROUP "G"**

Advocates completing 55 year\$ of age and not completing the age of 58 years on the date of their admission shall pay Rs. 9000/- per annum or Rs. 2250/ per quarter for a continuous period of 7 years or Rs. 53,000/- may be contributed as the one time contribution at the time of admission into the Scheme.

#### **GROUP "H"**

Advocates completing 58 years of age and no completing the age of 62 years on the date of their admission shall pay Rs. 20,000/- per annum or Rs. 5000/- per quarter for a continuous period of 4 years or Rs. 70,000/- may be contributed as one time contribution at the time of admission into the Scheme.

#### **4. MODE OF COLLECTION OF CONTRIBUTION :**

The Member-Advocates admitted into the Odisha State Bar Council Advocates Welfare (Pension, Family Pension & Death Benefit) Scheme shall pay their contribution in shape of Demand Draft in the name of "ODISHA STATE BAR COUNCIL ADVOCATES' WELFARE (PENSION, FAMILY PENSION & DEATH BENEFIT) SCHEME", payable at Cuttack or cash deposit through challans in the Corporation Bank, Odisha State Bar Council Branch, in the Account to be specified by the Council, i.e. Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death Benefit) Scheme.

#### **5. INVESTMENT OF FUNDS:**

The Council shall invest any amount out of the Advocates Pension Fund by way of deposit in the State Bank of India; any Nationalised Bank, UTI Bank, ICICI Bank or by purchasing bonds of any secured profit making Organisation/Company with proper approval of the Council through the Committee.

#### **6. ODISHA STATE BAR COUNCIL ADVOCATES' WELFARE (PENSION, FAMILY PENSION & DEATH BENEFIT) COMMITTEE:**

The Council shall constitute a Committee consisting of the Chairman, Chairman of the Finance Committee and three Members of the Council shall be elected as the Members of the Committee, which shall be known as "Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death. Benefit) Committee" and the Chairman of the Council shall be the Chairman of the said Committee.

##### **(I) FUNCTION AND DUTY OF THE COMMITTEE:**

It shall be the duty of the Committee to take decisions on the following matters subject to approval of the Council

- (i) Matters relating to investment of funds.
- (ii) Disputes relating to payment of contribution and liability of Member-Advocates.
- (iii) Disputes relating to payment of Pension, Family Pension or Death Benefit to the nominee of the deceased Member-Advocate.
- (iv) Disputes relating to entitlement of spouse of the Member-Advocate for family pension or entitlement of nominee of Member-Advocate for Death Benefit.
- (v) Any other matter as may be referred by the Secretary of the Council to be decided by the Committee.
- (vi) Interpretation of the Rules framed for implementation of the Scheme.
- (vii) The Committee shall as and when necessary consider the proposals for any amendment of the Rules and take decisions.
- (viii) The Committee shall examine the working of the Scheme and shall cause the annual report to be placed before the Council on or before 31st March, every year with suggestion, if any, for smooth administration of the Fund and viability of the Scheme. The Committee shall sit at-least once in every three months to examine the position of the scheme.
- (ix) The Chairman shall convene the Meeting of the Committee on the suggestion of the Administrator and the Committee shall dispose of those matters is referred to and placed before the Committee by the administrator as soon as possible.

## **7. WORKING OF THE SCHEME:**

- 1) The Secretary of the Council shall be the Administrator of the Fund.
- 2) The Accounts Officer shall supervise the work of the Accountant/Accountants and shall exercise control over the Accounts of the Fund under the Scheme.
- 3) The Council may engage one or more Accountants for maintenance of accounts of the Fund.
- 4) The Administrator and the Accounts Officer / Accountant shall be jointly responsible for the maintenance of Accounts of the Funds.
- 5) The Advocates, Pension, Family Pension-cum Death Benefit Committee shall be the controlling authority of the Employees under the Scheme subject to ultimate control of the Council.

7 (A) Yearly accounts of Income and Expenditure of the fund shall be audited by a Chartered Accountant appointed in the Committee and the Audit Report shall be placed before the Committee. The fees for the Auditing of the Accounts shall be decided by the Committee.

**8.** If any Member-Advocate fails to pay his annual contribution or quarterly contribution due for a year of contribution within the said year shall be allowed to pay his contribution due, within next 30 days without any interest and if he/she fails to pay his/ her contribution so due after 30 days he/she shall be allowed to pay the same along with 10% simple interest per annum.

**9.** If any Member-Advocate fails to pay his/her annual contribution due for three consecutive years of contribution, he/she shall be ceased to be a Member under the Scheme and the contributions already paid by him/her shall be forfeited. Provided that if any member Advocate who failed to pay his/her annual /quarterly contribution due for three consecutive years of contribution shall be allowed to continue his/her membership on payment of his/her up to date contribution with 10% compound interest per annum computing the same from the date of each yearly/quarterly contribution as the case may be become due for payment.

9A. (i) "Notwithstanding anything contained in the Rule - 3 of the Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death Benefit) Scheme any Advocate desiring to be admitted as a member advocate under the scheme after completion of his/her 45 years of age and before completion of 50 years of age as a member under the scheme he/she can be so admitted under the age group 'D' if he/she pays Rs 55,000/- or Rs. 40,000/- with 10% compound interest per annum computed from the last day of 45th year of his/her age till the date of his/her admission or Rs.55,000/- as one time contribution, whichever is more per unit and such advocate shall be allowed to avail maximum two units.

(ii) "Notwithstanding anything contained in the Rule - 3 of the Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death Benefit) Scheme any Advocate desiring to be admitted as a member advocate under the scheme after completion of his/her 50 years of age and before completion of 55 years of age as a member under the scheme he/she can be so admitted under the age group 'D' if he/she pays Rs 40,000/- with 10% compound interest per annum computed from the last day of 45<sup>th</sup> year of his/her age till the date of his/her admission or Rs.70,000/- as one time contribution, whichever is more per unit and such advocate shall be allowed to avail maximum two units.



**10.** No contribution of any Member-Advocate for any year of contribution shall be accepted until and unless his/ her arrear dues are cleared.

**11.** If any Member, Advocate fails to pay any part of his/her contribution as prescribed under the Scheme, the amount paid by him/her towards the contribution shall be refunded with 5% simple interest per annum to the (i) Member-Advocate, (ii) to his/her spouse, in case the Member Advocate is dead (iii) to the nominee of the Member Advocate in case the Member-Advocate and his /her spouse are dead, provided his/her membership has not been ceased within 5 years of his/her admission into the Scheme.

**12.** If on account of death of the Member-Advocate the payment of contribution is discontinued after the Member-Advocate has made payment for more than 2 years and the contribution paid is less than 40% of total contribution payable by him/her without any default, his/her spouse/nominee shall be entitled to get Rs. 50,000/- or the contribution made by the Member-Advocate with 5% interest whichever is more.

**13.** If on account of death of the Member-Advocate the payment of contribution is discontinued after the Member-Advocate has made payment of contribution which is 40% or more than 40% and less than 50% of the total contribution payable by the Member-Advocate without any default, his/her spouse/nominee shall be entitled to get Rs.75,000/- or the contribution made by the Member- Advocate with 5% interest whichever is more.

**14.** If on account of death of the Member-Advocate the payment of contribution is discontinued after the Member-Advocate has made the payment of contribution which is 50% or more than 50% and less than 60% of total contribution payable by him/her.

(i) His/her spouse shall be entitled to get proportionate family pension @ Rs.15000/- per year or Rs. 3750/- per quarter for seven years with effect from the date on which the Member Advocate would have Completed 65 years of age and thereafter, shall be entitled to yearly proportionate Family Pension of Rs.7,500/- or quarterly proportionate Family Pension of Rs.1,875/- till his/her death; or

(ii) If the spouse of the deceased Member Advocate opts in writing to take a lump sum amount in lieu of proportionate Family Pension she/he shall be entitled to get a sum of Rs. 80,000/- on the death of -the Member Advocate; or

(iii) If the spouse of the Member-Advocate predeceased the Member-Advocate the nominee of the Member-Advocate shall be entitled to get Rs. 80,000/-.

**15.** If on account of death of the Member-Advocate the payment of contribution is discontinued after the Member-Advocate has made the payment of contribution, which is 60% or more than 60% and less than 70% of the total contribution payable by him/her;

(i) His/her spouse shall be entitled to get proportionate family Pension @ Rs.18,000/- per year or Rs.4500/- per quarter for seven years with effect from the date on which the Member-Advocate would have completed 65 years of age and thereafter shall be entitled to proportionate family pension @ Rs.9,000/- and quarterly proportionate family pension @ Rs.2,250/- till her/his death; or

(ii) If the spouse of the deceased Member Advocate opts in writing to take a lump sum amount in lieu of proportionate family pension she/he shall be entitled to get a sum of Rs.1,00,000/- on the death of the Member Advocate; or

(iii) If the spouse of the Member-Advocate predeceased the Member-Advocate the nominee of the Member-Advocate shall be entitled to get Rs.1,00,000/-.

**16.** If on account of death of the Member-Advocate the payment of contribution is discontinued after the Member-Advocate has made the payment of contribution which is 70% or more than 70% and less than 80% of the total contribution payable by him/ her;

(i) His/her spouse shall be entitled to get proportionate family pension of Rs.21,000/- per year or Rs.5250/- per quarter for seven years with effect from the date on which the Member Advocate would have completed 65 years of age, and thereafter shall be entitled to proportionate family pension of Rs.10,500/- per year or Rs.2,625/- per quarter till his/her death: or

(ii) If the spouse of the deceased Member Advocate opts in writing to take a lump sum amount in lieu of family pension she/he shall be entitled to get a sum of Rs. 1,15,000/- the death of the Member-Advocate; or

(iii) If the spouse of the Member-Advocate predeceased the Member-Advocate, the nominee of the Member-Advocate shall be entitled to get Rs.1,15,000/-.

**17.** If on account of death of the Member-Advocate the payment of contribution is discontinued after the Member-Advocate has made the payment of contribution which is 80% or more than 80% and less than 90% of his total contribution payable by him/ her;

(i) His/her Spouse shall be entitled to get proportionate family pension of Rs. 24,000/- per year or Rs. 6,000/- per quarter for seven years w.e.f. that date on which the Member Advocate would have completed 65 years of age, and thereafter shall be entitled to proportionate family pension of Rs. 12,000/- per year or Rs. 3000/- per quarter till his/her death.

(ii) If the spouse of the, deceased-Advocate opts in writing to take a lump sum amount in lieu of proportionate family pension she/he shall be entitled to get a sum of Rs. 1,25,000/- on death of the Member-Advocate.

(iii) If the spouse of the Member-Advocate predeceased the Member-Advocate, the nominee of the Member-Advocate shall be entitled to get Rs.1,25,000/-.

**18.** If on account of death of the Member-Advocate the payment of contribution is discounted after the Member-Advocate has made payment of contribution which is 90% or more than 90% and less than total contribution payable by him/her;

(i) His/her spouse shall be entitled to get proportionate family pension of Rs. 27,000/- per year or Rs. 6,750/- per quarter for seven years with effect from the date on which the Member Advocate would have completed 65 years of age, thereafter shall be entitled to proportional family pension @ Rs. 13,500/- per year or Rs. 3,375/- per quarter till his/ her death.

(ii) If the spouse of the deceased Member Advocate opts in writing to take a lump sum amount in lieu of proportionate family pension, she/he shall be entitled to get a sum of Rs.1,45,000/- on death of the Member-Advocate.

(iii) If the spouse of the Member-Advocate predeceased, the Member-Advocate, the nominee of the Member-Advocate shall be entitled to get Rs.1,45,000/-.

**19.** The Member-Advocate who makes payment of his/ her total contribution or one time contribution as applicable to their age group;

(i) Shall be entitled to avail pension on attaining old age Rs.30,000/- per annum or Rs. 7,500/- per quarter till his/her death.



(ii) If the Member-Advocate dies after availing pension before completion of 72 years, the spouse of the Member-Advocate shall be entitled to get family pension @ Rs.30,000/ per annum till the date on which the Member Advocate would have completed 72 years, thereafter shall be entitled to get family pension @ Rs.15,000/- per annum or Rs.3,750/ per quarter till her/his death.

(iii) If the Member-Advocate dies before availing pension, the spouse of the Member-Advocate shall be entitled to get Rs.1,60,000/- in lieu of family pension, if she/he so opts in writing to that effect to the Administrator.

(iv) If the Member-Advocate & his/her spouse die before availing pension/ family pension/ benefit under the scheme, the nominee of the Member Advocate shall be entitled to get Rs.1,60,000/-.

**20.** If any Member-Advocate has made the payment of his/her contribution as one time contribution at the time of his/her admission into the scheme and dies within one year of his Membership, his/her spouse/ nominee shall get the amount paid by him/ her with 10% interest.

**21.** If any Member-Advocate has made the payment of his her contribution as one time contribution at the time of his/her admission into the scheme and dies after one year of his/her Membership, his/ her spouse shall be entitled to get an amount of Rs.1,60,000/- in lieu of family pension if she/he so opts in writing and in case the spouse of the Member-Advocate predecease the Member Advocate or dies before availing family pension, the nominee of the Member Advocate shall be entitled to get Rs.1,60,000/-.

21. (A) The mode of contribution of any Member Advocate who at the time of his/her admission into the scheme made quarterly/yearly contribution shall be treated as one time contribution on payment of the differential amount within a year of his/her admission into the scheme and the membership of such Advocate shall be w.e.f. the date of payment of the differential amount for the purpose of Rule-21.

22. If any Member-Advocate discontinued his/her payment of contribution after the payment of 50% or more than 50% and less than 60% of his total contribution payable by him/her for reasons other than death.

(i) He/she shall be entitled to get proportionate pension @ Rs.15,000/- per year or Rs.3,750/ per quarter till his/her death with effect from the date on which the Member-Advocate completed the age of 65 years;

(ii) After the death of the Member-Advocate his/ her spouse shall be entitled to get proportionate family pension @ Rs.15,000/- per year or Rs. 3,750/- per quarter till the date on which the Member-Advocate would have completed the age of 72 years and thereafter @ Rs.7,500/ per year or Rs.1,875/- per quarter till his/her death.

(iii) If the spouse of the Member-Advocate predeceased the Member-Advocate the nominee shall be entitled to get the Contribution made by the Member-Advocate with 7% interest.

(iv) If the Member-Advocate predeceased his/her spouse and the spouse dies before availing proportionate family pension the nominee of the Member-Advocate shall be entitled to get the contribution made by the Member- Advocate with 7% interest on the death of the spouse of Member-Advocate.

23. If any Member-Advocate discontinued his/her payment of contribution after the payment of 60% or more than 60% and less than 70% of his total contribution payable by him/her for reasons other than death.

(i) He/she shall be entitled to get proportionate pension @ Rs.18,000/- per year or Rs.4,500/- per quarter till his/her death with effect from the date on which the Member-Advocate completes the age of 65 years; or

(ii) After the death of the Member-Advocate, his/her spouse shall be entitled to get proportionate family pension @ Rs.18,000/- per year or Rs. 4,500/- per quarter till the date on which the Member-Advocate would have completed the age of 72 years and thereafter @ Rs.9,000/- per year or Rs. 2,250/- per quarter till his/her death.

(iii) If the spouse of the Member-Advocate predeceased Member-Advocate, the nominee shall be entitled to get the - contribution made by the Member-Advocate with 7% interest.

(iv) If the Member-Advocate predeceased his/her spouse and the spouse dies before availing proportionate family pension the nominee of the Member-Advocate shall be entitled to get the contribution made by the Member-Advocate with 7% interest on the death of the spouse of Member-Advocate.

24. If any Member-Advocate discontinued his/her payment of contribution after the payment of 70% or more than 70% and less than 80% of his total contribution payable by him/her for reasons other than death;

(i) He/she shall be entitled to get proportionate pension @ Rs.21,000/- per year or Rs. 5,250/-per quarter till his/her death with effect from the date on which the Member-Advocate completes the age of 65 years; or

(ii) After the death of the Member-Advocate, his/ her spouse shall be entitled to get proportionate family pension @ Rs. 21,000/- per year or, Rs.5,250/- per quarter till the date on which the Member-Advocate would have completed the age of 72 years and thereafter @ Rs. 10,500/- per year or Rs. 2,625/- per quarter till his/her death.

(iii) If the spouse Of the Member-Advocate predeceased Member-Advocate, the nominee shall be entitled to get the contribution made by the Member Advocate with 7% interest.

(iv) If the Member-Advocate predeceased his/her spouse and the spouse dies before availing proportionate family pension the nominee of the Member-Advocate shall be entitled to get the contribution made by the Member- Advocate with 7% interest on the death of the spouse of Member-Advocate.

25. If any Member-Advocate discontinued his/her payment of contribution after the payment of 80% or more than 80% and less than 90% of his total contribution payable by him/her for reasons other than death;

(i) He/she shall be entitled to get proportionate pension @ Rs.24,000/- per year or Rs.6,000/ - per quarter till his/her death with effect from the date on which the Member-Advocate completes the age of 65 years;

(ii) After the death of the Member-Advocate, his/ her spouse shall be entitled to get proportionate family pension @ Rs. 24,060/- per year or Rs. 6,000/- per quarter till the date on which the Member-Advocate would have completed the age of 72 years and thereafter @ Rs.12,000/- per year or Rs. 3,000/- per quarter till his/her death.

(iii) If the spouse of the Member-Advocate predeceased the Member-Advocate, the nominee shall be entitled to get the contribution made by the Member-Advocate with 7% interest.

(iv) If the Member-Advocate predeceased his/her spouse and the spouse dies before availing proportionate family pension the nominees of the Member Advocate shall be entitled to get the contribution made by the Member- Advocate with 7% interest on the death of the spouse of the Member-Advocate.

26. No nominee/nominees shall be entitled to any benefit under the scheme during the lifetime of

the spouse of the Member-Advocate.

27. No nominee/nominees of any Member-Advocate shall be entitled to any benefit under the scheme, if the Member-Advocate dies after availing the pension for 7 years or the spouse of the member Advocate dies after availing family pension till the date on which the member Advocate would have completed the age of 72 years.

27. (A) (i) If any Member-Advocate and his/her spouse die, after availing pension/family pension before the date on which the Member-Advocate would have completed 68 years of age, the nominee of the Member-Advocate shall be entitled to get Rs.1,00,000/-.

(ii) If any Member Advocate and his/her spouse die after availing Pension/Family pension after the date on which the Member-Advocate completed/would have completed 68 years of age before the date on which the Member Advocate would have completed 70 years of age, the nominee of the Member-advocate shall be entitled to get Rs.75,000/-.

(iii) If any Member-Advocate and his/her spouse die, after availing Pension/family pension after the date on which the Member-Advocate completed/would have completed 70 years of age and before the date on which the Member Advocate would have completed the age 72 years, the nominee of the Member-Advocate shall be entitled to get Rs.50,000/-.

28. The payment to the Member-Advocate or to nisi her spouse or nominee of the Member-Advocate shall be made by A/c payee cheque out of an account to be opened/maintained in the Corporation Bank, O.S.B.C. Branch, Cuttack named as Subsidiary Account of Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death Benefit) Scheme, which shall be operated by the Administrator of the Advocates' Pension Fund and Accounts Officer/ Accountant of Odisha State Bar Council jointly.

29. Funds as per requisition by the Committee shall be transferred to the Subsidiary Account out of the Account mentioned in Rule-4 as may be required from time to time.

30. If any Member-Advocate for any reason desires to make any alteration/change or deletion so far as his nominee mentioned in the form of application for admission into the Scheme can do so through an application made to the Administrator supported by an affidavit and the Administrator shall cause the same to be recorded in the appropriate Register etc.

31. The Member-Advocate if unmarried at the time of admission into the scheme shall intimate through an application to the Administrator, the name and other particulars of his/her spouse immediately after marriage along with an affidavit for records.

32. No person can claim any benefit as spouse/ nominee of the Member-Advocate after the death of the Member-Advocate, if the Member-Advocate fails to enter the name of such person/ persons in the records maintained under the Scheme, however, the Council in its discretion may allow benefits to the spouse of the Member-Advocate on proper verification and proof.

33. In case of spouse of the Member-Advocate dies during the life time of the Member-Advocate he/she intimate the death of his/her spouse to the Administrator along with a copy of the death certificate accompanied by an affidavit and the Administrator shall cause the same to be recorded in appropriate records.

34. In case of death of the Member-Advocate, the spouse of the Member-Advocate shall make an application to the Administrator in the prescribed form for availing the .benefits under the Scheme enclosing therewith the death certificate of the Member-Advocate.

35. In case the Member-Advocate and his/her spouse die before availing the benefits under the Scheme, the nominee of the Member-Advocate while making an application to the Administrator in the prescribed form for availing the benefits under the Scheme shall have to reduce the Death Certificates of the deceased Member-Advocate and his/her spouse.

36. If any Member-Advocate of Groups - 'E', 'F', 'G' & 'H' opts to pay double the amount of contribution applicable to his/her age group mentioned in Rule- 3 before his admission, the same shall be allowed and if the Member Advocate pays his contribution accordingly, the pension, family pension, proportionate pension, proportionate family pension and benefits mentioned in Rules- 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 shall be multiplied by two as may be applicable to his/her case.

37. (i) If any Member-Advocate of Groups - 'A', 'B', 'C' & 'D' opts to pay two times, three times or four times the amount of contribution applicable to his/her age group mentioned in the Rule-3 before his admission, the same shall be allowed and if the Member-Advocate pays his/her contribution accordingly, the pension, family pension, proportionate pension, proportionate family pension and the benefits mentioned in Rules 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 shall be multiplied by two, three and four as may be applicable to his/her case.

(ii) If the member Advocate desires to avail further unit/units while continuing in the same age group in which he/she was admitted into the scheme shall be allowed to be member advocate with such number of units on payment of one time contribution for the additional units with 10% simple interest per annum from the date of his/her admission into the Scheme and he/she shall be treated as a Member Advocate with the total number of Units which he/she avails from the date of admission into the scheme provided the spouse of the Member Advocate shall not be entitled to the benefits under the scheme for the additional units if the Member Advocate dies within one year of availing such additional units.

(iii) If any Member Advocate desires to avail any additional units after completion of the higher age limit in the age group in which he/she was admitted into the scheme shall be allowed to avail such additional unit/ units on making payment of one time contribution with 10% simple interest per annum from the date of his/her admission into the scheme till completion of the higher age limit of that age group along with 10% compound interest on the one time contribution applicable to the age group on which he/she was admitted with simple interest calculated from the date of admission into the scheme till completion of the said age group to be calculated up to the due date of availing such additional units and such Member Advocate shall be considered as Member Advocate with total number of units availed by him/her in the age group he/she was initially admitted provided his/her spouse shall not be entitled to get the Family Pension for such additional unit(s) if the Member Advocate dies within one year from the date of making payments to avail such additional unit(s).

(iv) No Member Advocate can avail the additional unit(s) after he/she has completed the age of 45 years.

38. Save and except the age Groups- 'A', 'B', 'C' & 'D' admission of Advocates coming under the other age groups shall remain open for a limited period, i.e. for age Groups- 'E', 'F', 'G' shall be one year and for Group- 'H' six months w.e.f. the date of the scheme and rules come into force.

39. Certificate shall be issued to each Member-Advocate under the seal and signature of the Chairman and Administrator. The Member-Advocate, his/her spouse or nominee shall produce certificate so issued while claiming the benefit under the scheme, the certificate shall remain valid during continuance of the Membership of the Member-Advocate and on cessation of Membership shall automatically stand cancelled.

In case of loss of original certificate a duplicate certificate may be issued on payment of a fees of Rs.250/- (Rupees two hundred fifty) only along with affidavit indicating the cause of loss.

40. If the Scheme is found to be not viable for any reason the Council may by resolution at any time within three years withdrawn the Scheme and in that case the contribution made by the Member-Advocates shall be refunded with 7% simple interest through A/c Payee Cheque.

41. (i) The Council may by resolution extend the period of limitation as may be felt necessary to cover more number of Advocates without affecting the viability of the Scheme enhancing the one time contribution and imposing any additional condition and making the necessary amendments of the Rules.

(ii) The Pension Committee and / or the Council shall have no power to waive any interest due from any member advocate contrary to the Rules.

(iii) The Council by resolution may alter/amend/repel any Rules of Odisha State Bar Council Advocates' Welfare (Pension, Family Pension & Death Benefit) Rules.

xxx

**Tahali Charan Mohanty**  
Chairman,  
Odisha State Bar Council