



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D:1384/2020

Date: 11.05.2020

To,

The Secretary,
Bar Council of Assam, Nagaland,
Mizoram, Arunachal Pradesh & Sikkim,
Gauhati High Court Building,
Post Box No.182, Guwahati-781001

Sub.: Approval of the Rules framed by the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim, Covid 19 Financial Assistance Scheme for Needy Lawyers under Section 15(3) of the Advocates Act, 1961 and approval/no objection to the resolution of the Bar Council of Assam to Transfer Rs.55 Lakhs from it's State Bar Council to the fund created/to be created under the above referred Financial Scheme

Ref.: Letter dated 08.05.2020 received From Mr. H. R. A. Choudhury, Chairman, Bar Council of Assam, Nagaland & Ors which has referred to a Council Resolution dated 23.04.2020, and to a modification of the same Council Resolution by circulation which was done after 30.04.2020, whereby the above referred Rule/ Financial Assistance Scheme was passed and the above referred Resolution was taken

Sir,

This is to bring to your kind knowledge that General Council of the Bar Council at its meeting held on 10th May, 2020 has considered the letter dated 08.05.2020 received from Mr. H. R. A. Choudhury, Chairman, Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim which has referred to a Council Resolution dated 23.04.2020, and to a modification of the same Council Resolution by circulation which was done after 30.04.2020 as is evidenced from the afore referred letter dated 08.05.2020 mentioned in the reference and has also considered the Scheme/Rule namely "The Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh, and Sikkim, COVID 19 Financial Assistance Scheme" for Needy Lawyers, framed and approved by the Bar Council of Assam, subject to the approval of the Bar Council of India, for which approval has been sought from the Bar Council of India.

The entire paper book of the above referred letter, the afore referred resolutions and the above referred Rule, framed and approved, therein by the Bar Council of Assam, was placed before the General Council of the Bar Council of India for consideration on 10.05.2020, in the meeting of the Council, held through the mode of video conferencing.

It was observed that "The Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh, and Sikkim, Covid 19 Financial Assistance Scheme" for Needy Lawyers which was finalised by a Committee of 9 members created by Assam Bar Council vide it's decision/minutes of 25.04.2020, was resolved by way of circulation after 30.04.2020, by the Bar Council of Assam, to be approved and was further resolved to be kept in abeyance till the approval of the same by the Bar Council of India, in terms of Section 15(3) of the Advocates Act, 1961, which states that any such Rule as has been framed by way of the above referred scheme cannot come into effect till it is approved by the Bar Council of India.

The General Council of the Bar Council of India, also considered the resolution of the Bar Council of Assam passed on 23.04.2020 whereby the Bar Council of Assam had resolved to transfer Rs.55 lakhs, out of it's State Bar Council Fund to such fund created/to be created under the financial scheme referred to above, and which was reiterated in the resolution of Bar Council of Assam passed by circulation after 30.04.2020, as is evidenced from the afore referred letter dated 08.05.2020.

The Bar Council of India also noted the fact that Rs.45 Lakhs from the Bar Council of India, Welfare Fund for State, would also be transferred to such fund created/to be created with reference to such financial scheme as is referred to above, and which had already been allowed by Shri Apurba Kumar Sharma, Member Representative to Bar Council of India from Assam who is also the Chairman of the Bar Council of India Welfare Fund Committee for the State of Assam.

After due consideration, the General Council of the Bar Council of India vide it's Council Resolution dated 10.05.2020, has approved "The Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh, and Sikkim, Covid 19 Financial Assistance Scheme" for Needy Lawyers framed and resolved to be approved by Assam Bar Council, subject to the approval of the Bar Council of India.

The Bar Council of India, also approves and has no objection to the Bar Council of Assam's resolution referred to above, on the aspect of the Bar Council of Assam, transferring Rs.55 lakhs from it's State Bar Council fund to the fund created/to be created under such financial scheme.

This is for your information and necessary action.

Thanking you

Yours sincerely


(Srimanto Sen)

Secretary
Bar Council of India