

The Bar Council of India Advocates Welfare Scheme, 1998

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The Bar Council of India Advocates Welfare Scheme, 1998¹

1. Part A: Preliminary

- (i) This Scheme may be called the "Bar Council of India Advocates Welfare Scheme, 1998".
- (ii) It shall come into force on the 1st of November, 1998.
- (iii) Subject to the provisions of the Scheme, any advocate enrolled with any State Bar Council in India shall be entitled to become a member of the Scheme after submitting an application in Form 'A'.
- (iv) The maximum age at which an advocate may become a member of the Scheme is 65 years.
- (v) The normal retirement of the member is 90 years.

2. Part B: Subscription

- (i) Every applicant shall pay an admission fee of five hundred Rupees in lump sum with the application.
- (ii) Every member shall pay an annual subscription of Rs. 750 (Rupees Seven hundred and fifty) per year on or before 31st of July of every year. Alternatively a member may pay a lump sum contribution of Rs. 7500 (Rupees Seven thousand five hundred) at the time of joining the Scheme and in that event he shall not be required to pay any annual subscriptions.
- (iii) In case of default in depositing the subscriptions, interest at the rate of fifteen percent per annum shall be charged on every year's default.

3. Part C: Administration

- (i) The scheme shall be administered by the Advocates Welfare Committee of the concerned State Bar Council.
- (ii) A welfare fund by name "All India Advocates Welfare Fund" or any other name which the Bar Council of India may decide, shall be established with the subscriptions received from the members, and income which may be received from other sources and in each of the State separate accounts shall be opened.
- (iii) The moneys of the fund shall be invested in securities/investments as may be considered appropriate by the Advocates Welfare Committee keeping in view the safety of the fund and ensure higher returns on the Fund.
- (iv) The Advocates Welfare Committee shall have the power to appoint with the consent of the Bar Council of India, any person or persons with requisite qualifications to act as the Secretary/Secretaries, Manager/Managers or Registrars of the Fund at such remuneration and on such

1. Came into force w.e.f. 19-7-1998 vide Resolution No. 64/1998.

terms and conditions and with such powers as the Advocates Welfare Committee may think fit. The Committee may also employ any person or persons to do any legal, accounting, actuarial any other work which they may consider necessary or expedient in connection with the management of the fund or of the assets thereof.

- (v) An actuarial valuation shall be carried out by a qualified Actuary every two years to ascertain the solvency of the Fund and to examine the possibility of improvement of benefits.
- (vi) The account of the fund shall be maintained in India and shall contain such particulars as the Advocates Welfare Committee may think proper and as be required by law. As soon as possible after 31st day of March in each year, the Committee shall take a general account of the assets and liabilities of the fund and shall prepare a balance sheet and Revenue Account showing the income and expenditure, during the year terminating on such thirty first day of March in such form as may be considered suitable by the Advocates Welfare Committee.
The first accounting period will be from 1st August, 1998 to 31st March, 1999. Thereafter the accounting year shall be from 1st April to 31st March of each year.
- (vii) The accounts of the fund shall be audited yearly by a Chartered Accountant or a firm of Chartered Accountants, who shall have an access to all the books, papers, vouchers and documents connected with the Fund, and who shall in writing report to the Advocates Welfare Committee on the annual accounts. A copy of audited accounts shall be furnished to the Bar Council of India.

4. Part B: Refusal/Removal from the membership of the Fund

- (i) If any advocate is refused admission to the membership of the scheme, he may appeal to the Advocates Welfare Committee of the Welfare Fund of the Bar Council of India within three months from the date of refusal. The Advocates Welfare Committee may after giving, due opportunity of hearing to the concerned advocate and the Bar Council of India, direct that such advocate may be admitted to the membership of the Scheme. The order so passed shall be final.
- (ii) If any member is expelled from the membership of the concerned State Bar Council or otherwise ceases to be a member of that State Bar Council, then his name shall be liable to be deleted from the membership of this scheme and the annual subscription/lump sum contribution paid by him together with 6% simple interest per annum shall be paid to him. Provided that no order of deletion of name from the membership of the scheme shall be made except on the recommendation of the concerned Advocates Welfare Committee and without hearing the concerned member and such order shall be passed by the State Bar Council in its general meeting after such enquiry, as may be necessary.

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- (iii) Name of the member shall stand removed from the scheme automatically if he is in arrears of annual subscription for a period of three consecutive years.
- (iv) An advocate who is so removed from the membership of the scheme, can only be re-admitted on payment of arrears of subscriptions due against him alongwith interest at the rate of 15% per annum and such other penalty not exceeding Rs. 500 (five hundred only) as may be imposed by the Advocates Welfare Committee provided his name is restored or continues on the State roll maintained by the concerned State Bar Council.

5. Part E: Benefits on early retirement from the Scheme

- (i) If a member of the Scheme who completes a period of 5 years after he becomes a member of the Scheme shall, subject to other provisions of the scheme, be entitled to seek voluntary retirement from the membership and to receive the amount of annual subscription/lump sum contribution deposited by him along with the simple interest at the rate of six percent per annum from the date of deposit made by him.
- (ii) Any member suffering from total permanent disablement shall be allowed to retire from the scheme, but the member will have to seek retirement as an advocate and will not be entitled to be enrolled thereafter and become a member of the Scheme. He shall be entitled to the benefits as per Table II-A/II-B of the Scheme appended to the Scheme and the Advocates Welfare Committee in special circumstances for reasons to be recorded may allow claim up to Rs. 50,000 (Rupees fifty thousand only).
- (iii) A member has the option to seek voluntary retirement from the membership any time after attaining 75 years of age but in any case member would retire on completion of 90 years or on completion of 40 years of membership whichever is earlier.
 - (a) If the member retires any time after attaining 75 years of age before completion of 40 years of membership or 90 years of age 90% of the maturity value shown in Table-I shall be paid to him depending upon his completed number of years of membership.
 - (b) If the member retires after completion of 40 years of membership he shall be entitled to full maturity value shown in Table-I depending on his completed number of membership on the date of his retirement.
- (iv) Notwithstanding anything contained in this scheme to the contrary, if any advocate after his admission to the Scheme joins any employment, he shall be entitled for refund of all his annual subscriptions/simple interest from the date of his annual subscriptions/lumpsum contribution.

6. Part F: Benefits payable on death/illness while continuing as a Member of the Scheme

- (i) In case any member dies or acquires total permanent disablement at any time after becoming a member of the Scheme, he or his nominee/dependents or other legal heirs, shall be entitled for a sum as per Table II-A/Table II-B of the Scheme appended to the Scheme.

Explanation.—For the purpose of this clause, dependants means the spouse, minor children and unmarried daughters.

- (ii) Advocates Welfare Committee on an application made to it in the prescribed form after being satisfied about genuineness of the claim, may grant ex-gratia payment from the fund.

In case a member of the Scheme is hospitalised for at least one month or undergoes a major surgery or suffering from paralysis, cancer, unsoundness of mind and/other similar serious ailments on the production of a certificate from the Chief Medical Officer concerned to that effect, he may be paid an amount not exceeding ten thousand rupees. Provided that a subsequent claim shall not be entertained unless a period of three years from the date of first payment has elapsed.

7. Part G: Benefits payable on normal retirement at age 90 years or on completion of 40 years of membership whichever is earlier

- (a) For Members who are paying annual contribution of Rs. 750 per annum.

(i) The maturity benefit payable on retirement at age 90 years or above completion of 40 years of membership will be as shown in Table-I of the Scheme.

(ii) Further, as an additional benefit for a member who has completed 20 or more years of membership and is aged below 65 years, a Medi-claim Policy on the life of the member and his wife for a sum of Rs. 1 lakh each will be purchased from New India Assurance Co. Ltd. or any other subsidiary Company of General Insurance Corporation of India covering Hospitalisation/Domiciliary Hospitalisation benefits from age 65 to 70, provided the member and his wife are in good health at the time of taking out the policy.

- (b) For members who paid a lump sum contribution of Rs. 7500

(i) The maturity benefits payable on retirement of age 90 years or on completion of 40 years of membership will be as shown in Table-I of the Scheme.

(ii) Further as an additional benefit for a member who has completed 20 or more years of membership and is aged below 65 years, a Medi-claim Policy on the life of the member and his wife for a sum assured of Rs. 1 lakh each will be purchased from New India Assurance Co. Ltd or any other subsidiary Company of General Insurance Corporation of India covering Hospitalisation/

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Domiciliary Hospitalisation benefits from age 65 to 70 years provided, the member and his wife are in good health at the time of taking out the policy.

8. Part H: General

- (i) An appeal in the prescribed form may be made to the Bar Council of India against the decision of the Advocates Welfare Committee within 30 days from the date of such order and shall be accompanied with the copy of the decision appealed against and shall be filed within 30 days of the receipts of the order. The decision of the Bar Council of India shall be final.
- (ii) In case the Scheme is silent about any matter, such matters shall be decided by the Advocates Welfare Committee in consultation with the Bar Council of India.
- (iii) Those Advocates who join this Scheme shall be entitled to the benefits of any other Scheme for the time being in force.
- (iv) With respect to process of payment of all claims under this Scheme, Bar Council of India may lay down the guidelines for this purpose.

9. A Schedule showing the benefits offered under the Scheme is enclosed:

Encl: Schedule (Table I, IIA and IIB) showing the benefits.

Scheme approved by the BCI in its meeting held on 19th July, 1998. (Item no. 79/1998)

Scheme circulated to State Bar Councils vide letter No. 2400/1998 dt. 22-10-1998.

All India Advocates Welfare Scheme Schedule showing Benefits

TABLE —I (MATURITY VALUE)

Completed years of Membership	Maturity Value (Lumpsum Contribution Rs. 7500)	Maturity Value (Annual Contribution Rs. 750 per year)
	Rs	Rs
1.	1293	0
2.	2163	0
3.	3129	0
4.	4201	0
5.	5390	0
6.	6466	0
7.	7915	860
8.	9531	2491
9.	11329	4305
10.	13329	6323
11.	15288	8303
12.	17761	10797

13.	20519	13581
14.	23599	16688
15.	27040	20160
16.	30789	23944
17.	35133	28325
18.	39146	32380
19.	44526	37807
20.	50580	43912
21.	55426	48816
22.	62904	56357
23.	71355	64879
24.	80588	74199
25.	88777	82467
26.	100772	94559
27.	112647	106542
28.	125766	110780
29.	140328	134474
30.	156492	150785
31.	174434	168890
32.	194349	188986
33.	216455	211294
34.	240993	236054
35.	268230	263539
36.	298463	294047
37.	332022	327911
38.	369272	365499
39.	410620	407223
40.	456516	543536

TABLE II-A

(In cases where a lumpsum payment of Rs. 7500 is paid at the time of becoming a member)

Completed years of membership	Maturity Value
1.	7909
2.	8779
3.	9744
4.	10816
5.	12006
6.	30000

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7.	30000
8.	30000
9.	30000
10.	30000
11.	35000
12.	35000
13.	35000
14.	35000
15.	35000
16.	50000
17.	50000
18.	50000
19.	60000
20.	60000
21.	75000
22.	75000
23.	100000
24.	100000
25.	100000
26.	125000
27.	125000
28.	150000
29.	150000
30.	163108
31.	183049
32.	200965
33.	223071
34.	247609
35.	274864
36.	395079
37.	338638
38.	375888
39.	417235
40.	463131

TABLE II-B

(In cases where annual subscriptions of Rs. 750 per annum are paid)

Completed years of Membership	Maturity Value
1.	791
2.	1669
3.	2643
4.	3725
5.	4925
6.	30000
7.	30000
8.	30000
9.	30000
10.	30000
11.	35000
12.	35000
13.	35000
14.	35000
15.	35000
16.	50000
17.	50000
18.	50000
19.	60000
20.	60000
21.	75000
22.	75000
23.	100000
24.	100000
25.	100000
26.	125000
27.	125000
28.	150000
29.	150000
30.	157401
31.	175506
32.	195602
33.	217909
34.	242670

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35.	270155
36.	300663
37.	334526
38.	372115
39.	413839
40.	460152

Application Form for Bar Council of India Welfare Scheme, 1998

THE STATE BAR COUNCIL OF

(with address)

ADVOCATES WELFARE COMMITTEE
OF THE BAR COUNCIL OF INDIA FOR
THE STATE OF

Sir,

I want to become a member of Bar Council of India Welfare Scheme, 1998 and my particulars are:

1. Name
2. Father's Name
3. Address
4. Enrolment No.
5. Date of Birth
6. Mode of payment under the Scheme

ANNUAL SUBSCRIPTION/LUMP SUM

Draft enclosed for Rs.

D/D No. Date

The applicant is the member of the Bar Association and is in actual practice. The applicant nominates the following person as his/her nominee:

1. Name of the nominee
2. Father's name/husband's name
3. Relationship with the applicant

I hereby give an undertaking that I shall be bound by the Scheme and particulars mentioned by me in the application are true and correct.

.....
Signature

Certification by the Bar Association where the Applicant is a member

It is hereby certified that Shri/Ms./Mrs. Son of/daughter of/wife of
..... is a Member of this Bar Association and his/her Membership Number of the
Bar Association at present is

Seal and Signature of the
President/Secretary