

To,

Respected the President/Secretary General and other members of Executive Committee of all 3 Associations and learned Advocates friends, Patna High Court, Patna.

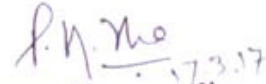
Sir/s,

Please find a copy of proposed draft of “The Patna High Court Advocates’ Welfare Scheme, 2017” and after vetting it, you all are requested to give your valuable suggestions with your comment within a fortnight in the office of Advocates’ Association, Patna High Court on

priority basis so that it can be placed before the General Body of Association and finally before the Co-ordination Committee for its final implementation as historical one.

The details of aforesaid “The Patna High Court Advocates’ Welfare Scheme, 2017” can also be viewed on the website of Advocates’ Association- viz.- “advocatesassociationphc.com”.

With regards ;



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(Secretary General)

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*Secretary General.*  
Advocates Association  
High Court, Patna

THE PATNA HIGH COURT ADVOCATES' WELFARE SCHEME, 2017  
(Under the authority of Co-ordination Committee of three  
Associations of Patna High Court)

This scheme is approved and adopted on \_\_\_\_\_ by the Co-ordination Committee of the three Associations namely Advocates' Association, Lawyers' Association and Bar Association (affiliated by the Bihar State Bar Council, Patna and precedently recognized by the Hon'ble Patna High Court).

1. AIMS AND OBJECTS OF THE SCHEME :-

- i. To provide the welfare benefits including medical grant, death claim, festival grant, pension and group insurance etc. to desirous Advocates- Members, staff of the three Associations and registered clerks of the Advocates- members of the Association and their nominees as their social security of legal profession/community during financial crisis causes due to unavoidable/unseen reason and to ensure them maximum (possible) safety in bad days since the advocates are inseparable and important part of robust legal system and they not only aid in seeking access to justice but also promote justice to all justice seekers.
- ii. To stop and control the frequent use of false and fake signature of Advocates on the pass forms for entering of the clients in the Hon'ble Court room as also to immediate stop and control of selling and using of fake & spurious Advocates' Welfare Stamp being pasted on the vakalatnama and Affidavit at the time of filling of it in the Patna High Court.
- iii. To provide Legal Service/Awareness/Counseling and Aid to the needy litigants/concerned persons (who are card holders of Below Poverty Line issued by concerned Govt. authority) in the Patna High Court.

2. SHORT TITLE, EXTENT AND COMMENCEMENT :-

- A. This scheme may be called as "The Patna High Court Advocates' Welfare Scheme, 2017" (in short – Advocates' Welfare Scheme) framed and adopted under the authority of Co-ordination committee of the three Associations of Patna High Court, Patna.
- B. (i) This scheme is applicable only to the regular Advocates- Members & their registered clerks and permanent or regular staff of

any of the three affiliated Association of Patna High Court or appointed by the Co-ordination Committee on regular basis.

- (ii) This scheme will not be applicable to those persons of the Association who joined the Bar or legal profession or office of the the Association after their retirement from the service of State/Central Govt, Public authority, local body, bank and private institutions including registered companies/firms etc. where they were getting salary or after removal from such service on the ground of misconduct.

- C. This scheme shall come into force with effect from the date as decided by the Co-ordination Committee of the three associations of Patna High Court, Patna.

### 3. DEFINITIONS : -

In this scheme unless the context otherwise requires :-

- I. "Act" means the Advocates Act, 1961.
- II. "Advocate" means a person whose name has been entered on the State Roll of the Advocates prepared and maintained by the State Bar Council of Bihar under Rule- 17 of the Advocates Act, 1961 read with relevant provisions of the Bar Council of India Rules, 1975 and amended from time to time.
- III. "Association" means Advocates'/Lawyers'/Bar Association, Patna High Court affiliated/recognized by the Bihar State Bar Council, Patna.
- IV. "Administrator" means the Convenor of the Co-ordination Committee cum the Secretary General of the Advocates' Association, Patna High Court for monitoring entire matter of the scheme and co-coordinating all three associations in implementing and executing this welfare scheme smoothly. The Co-ordination Committee can also appoint /authorize suitable Advocates seperately as Administrator for each Sub- committee level for this purpose.
- V. "Advocates' Welfare Fund" means the fund raised by the Association Sub-committee under the authority of Co-ordination Committee and/or as prescribed under this scheme.
- VI. "Sub Committee" means the Executive Committee of each

Association will be termed as the Advocates' Welfare Sub-committee (in short "Sub-Committee") under this scheme.

- VII. "Advocates' Registered Clerk" means a person who is an authorized and regular clerk of an Advocate– member of the Association under this welfare scheme and registered by the Patna High Court, Patna.
- VIII. "Bank" means any scheduled/nationalized/corporate bank of India.
- IX. "Bar Council" means State Bar Council of Bihar constituted under the Advocates Act, 1961.
- X. "Hon'ble Court" means Patna High Court, Patna where an Advocate is by or under any law for the time being enforced, entitled to legal practice( for the purpose of this scheme).
- XI. "The Co-ordination Committee" means the Co-ordination Committee of the three Associations precedently recognized by the Hon'ble Patna High Court for last several decades and it consists of the office bearers namely all Presidents, Vice Presidents, Secretary General, Joint Secretaries and Treasures of three associations as prescribed in this scheme.
- XII. "Member– Advocate" means an advocate who is admitted as a regular member on the Roll/Register of any of the three Associations namely Advocates'/Lawyers'/Bar Association at Patna High Court.
- XIII. "Member of the Advocates Welfare Scheme" means an Advocate who is a regular member or one/life time member of any Association or a registered clerk of such Advocate- member or a permanent staff of the Association and is duly admitted to this Advocates Welfare Scheme by the Sub-Committee and/or by the Co-ordination Committee under this scheme.
- XIV. "Nominee/s" means any family member/s nominated by the members of the Advocate Welfare Scheme in prescribed Admission form.
- XV. "Prescribed" means prescribed under this scheme and/or by the Co-ordination Committee for regulating and monitoring of this scheme.
- XVI. "Staff" means all such regular/permanent staff of the Associations who are regularly working in the Association and/or any person

appointed by the Co-ordination Committee on regular basis under this scheme.

XVII. "Vigilance Committee" means a Committee constituted by the Co-ordination Committee in each Association for proper regulation of this scheme and to remove any difficulty therein and to report, if any, to the Co-ordination Committee for taking appropriate remedial action thereon.

4. PATNA HIGH COURT ADVOCATES WELFARE FUND :-

- 1 The Co-ordination Committee (in short- "Committee") constitutes a separate fund called as Patna High Court Advocates' Welfare Fund (in short Advocates' Welfare Fund) at the level of Patna High Court, Patna in the name of "Advocates Welfare Fund, the Co-ordination Committee of three Associations, Patna High Court, Patna" which can duly be opened by joint signatures of the Chairman, the Convener-cum-Secretary and Treasurer of the Co-ordination Committee and same saving/current bank account shall be transacted by at least two signatories. The Office-in-charge of Advocates' Association shall be the Office-in-charge of Committee also. The bank account of the Co-ordination Committee shall be opened and transacted by its own decision and all the concerned donations/grant-in-aid shall be deposited in this account which may be transacted or distributed by it in the light of aims and object of this scheme.

In case of digitilization of banking system-

All the aforesaid concerned 3 or more signatories and Office- In charge of Committee shall be liable to operate the digital online banking system as per decision of Co-ordination Committee.

2. There shall be a separate bank account of each Association at its Sub-committee level in the name of "Patna High Court Advocates' Welfare Fund, Advocate Association or Lawyers' Association or Bar Association" (as the case be) which shall be opened and operated in the same manner or procedure as decided by the Executive Committee of each Association or in the manner the association has opened and transacted its own bank account since before or preferably as prescribed under this scheme.
3. There shall be credited to the concerned Advocates' Welfare Fund bank account of each Association. For examples :-

- i. All income of the Association except the amount of subscription for only membership and library grant of the concerned Association.
- ii. Any voluntary contribution or grant in aid to the Advocates' Welfare Fund by the Govt., Local Body/Authority, Statutory Body, Institution/s, any Advocate or other person.
- iii. All sums or any profit or dividend or other return/interest on any investment to the reputed financial Institution/Bank.
- iv. All sum collected by the sale proceeds of the Vakalatnama, Affidavit, Court Entry Form, the application price, admission fee and other concerned forms, annual subscriptions and bank interest received thereon as prescribed and decided by the Co-ordination Committee/ Sub-Committee.
- v. From other sources as prescribed and decided by the Co-ordination Committee/concerned Association.
- vi. All incentive or commission amount on account of selling of Advocates' Welfare stamp by the Association, given by the Trustee Committee of Bihar Advocates Welfare Fund, Bar Council Bhawan, Patna.
- vii. All the amount collected by the Association/s seperately from its Advocate- member in the name of welfare of Advocates and all such charges realised for providing other service.
- viii. The Welfare donation amount of Rs. 5000/- only to be received from each of the retired candidates and Rs. 3000/- only received from the rest candidates under receipt at the time of his/her admission as a member to the concerned Association.

NOTE :-

- i. The quantum of said donation amount can be suitably enhanced/ changed time to time by the Co-ordination Committee/Sub-Committee.
- ii. The price of Vakalatnama and Affidavit with required amount of Advocates' Welfare Stamps, pass form and other existing charges may also be revised as decided by Co-ordination Committee or Sub-Committee from time to time.

4 (i) The accounts of the Advocates' Welfare Fund shall be well maintained through latest/advanced technology in such transparent manner as may be prescribed by the Co-ordination Committee/Sub-Committee.

(ii) The amount due and payable under this scheme and all expenditures relating to management and administration of this scheme, shall be paid from this fund at the level of each Association itself under the direction/ decision of the Sub-committee subject to approval by the Co-ordination Committee.

5. Constitution of Co-ordination Committee : -

(a) The Co-ordination Committee of all three affiliated Advocates' Association, Lawyers' Association and Bar Association of Patna High Court shall be consisted and comprising of the following office bearers of all three Associations.

- |       |   |                         |
|-------|---|-------------------------|
| i)    | The President of Advocates' Association-  | Chairman                |
| ii)   | The President of Lawyers' Association-  | Vice Chairman           |
| iii)  | The President of Bar Association-   | Vice Chairman           |
| iv)   | All three Vice Presidents' of each Association-   | Members                 |
| v)    | Secretary General of Advocates' Association-  | Convener-cum-Secretary. |
| vi)   | The Secretary General of Lawyers' Association-  | Joint Secretary         |
| vii)  | The Seceratry General of Bar Association-   | Joint Secretary         |
| viii) | All joint Secreteries from each of three Associations-  | Members                 |
| ix)   | The Treasurer of the Advocates Association-   | Treasurer               |
| x)    | Treasurer from both Lawyers and Bar Association-  | Members                 |
| xi)   | 3 renowned Advocates having social back ground<br>amongst the Advocates of Hon'ble Court nominated<br>by the Co-ordination Committee- | Members                 |

NOTE :-

In absence of the President, Senior Vice President shall preside over the meeting and similarly, in absence of the Convener-cum-

Secretary, Senior Joint Secretary of the Co-ordination Committee will work as the In-charge Convener-cum-Secretary of the committee.

5. Nine members (including atleast two from of each Association) of the Co-ordination Committee shall form quorum of the meeting which shall be held regularly as and when required but at least once in a month.
6. Constitution of Advocates' Welfare Sub-committee : - All the three Executive Committee of three Associations shall be the Advocates' Welfare Sub-Committee (in short- "Sub-Committee") as a separate and independent unit and will function under this scheme as also under direction and decision of the Co-ordination Committee. The decision of Co-ordination Committee is binding on the Association and its Sub-Committee under this scheme.
7. Operation of the Fund :-
  - (i) The amount of Advocates' Welfare Fund shall be deposited in the three separate saving/recurring/current Bank Account/s in the name of "Patna Advocates' Welfare Fund, Advocates' Association / Lawyers' Association / Bar Association, Patna High Court, Patna" which shall be opened by the joint signatures of President, Secretary General and Treasurer of Advocates' Association / Lawyers' Association / Bar Association, Patna High Court, Patna respectively at the level of each Association or Sub-Committee and same shall be operated or transacted at least by two joint signatures out of aforesaid three opener signatories under the direction of the Co-ordination Committee or Sub-committee (as the case may be). In case of digitalization of the banking system, The President of each Association shall be Administrator, The Secretary General will be the Maker, Treasurer will be the Checker and the Office-in-charge of each Association will be the User.
  - (ii) The account of the Fund shall be annually audited by the Chartered Accountant appointed by the Co-ordination Committee separately or by same C. A. who also audits any of three Associations and follow-up action would be taken on the basis of such audit report by the Co-ordination Committee.
  - (iii) No amount can be withdrawn by the Sub-committee from such Bank Account of Advocates' Welfare Fund without permission or approval or authorization of the Co-ordination Committee and all



income and expenditure shall be transacted from Sub-committee level bank accounts by the Sub-committee of concerned Associations as per direction and decision of the Co-ordination Committee or as prescribed under this scheme.

- (iv) The Fund may be invested in profit making financial institution or in Govt. Bond by the decision of Sub-committee after approval of Co-ordination Committee.
- (v) The Co-ordination Committee shall be the custodian of the aforesaid all Funds and Sub-committee of each Association shall be exclusively custodian of its own Advocates' Welfare Fund.

8. Function of Co-ordination Committee : -

- (i) The Co-ordination Committee will take all such decisions and steps to ensure achievements of aims and object of this Welfare Scheme for the regular practicing Advocates, their registered Clerks and Staff-Members of all three Associations of Patna High Court and in this regard, it is autonomous and self regulatory body and as such, its decision and direction is binding on all the Sub-committee i.e. three Associations and its members of this scheme.
- (ii) The Co-ordination Committee shall maintain the Fund in the manner prescribed by it with suitable amendments from time to time made by it either by unanimously or by majority to fulfill the aims and object of this scheme.
- (iii) The Committee will be custodian of the all the bank accounts under this scheme or fund of all three Sub-committee and it shall be responsible towards all three Associations of Patna High Court with regard to entire matter of this scheme.
- (iv) To make arrangement to provide legal service/awareness/counseling and aid to the needy litigents/person who are card holder of Below Poverty Line( BPL) issued by the competent Govt. authority in the Patna High Court.
- (v) To take final decision on any matter referred to by the Association or Sub-committee under this scheme and to issue necessary guidelines to Sub-committee for proper and effective implementation of scheme.
- (vi) To exercise all functions of Advocates' Welfare Sub-committee under

this scheme.

- vii) To do or exercise all such things which are necessary in the interest of members under this scheme.
  
- 9. The Chairman of the Co-ordination Committee will be the patron of this scheme and he will preside over the meeting of the Committee. He may also suggest the Agenda to the Secretary for this scheme in the meeting. He will monitor the entire scheme for its execution. In his absence, senior most Vice President will work as Chairman of the Committee.
  
- 10. The Convenor-cum-Secretary of the Co-ordination Committee will be the Chief Executive Authority responsible for carrying out the decision of the committee. He will also represent the scheme in all cases/suits and proceeding for and against the Committee. He/She will convene the meeting of Committee under this scheme on appropriate time and place but at least once in a month and he will prepare its minutes. He/She will present with all concerned records and informations. He/She will monitor to keep all the concerned records/forms/vakalatnama/affidavits/application/register etc. under this scheme's respective Association as required and/or prescribed by the Co-ordination Committee.
  
- 11. The Treasurer of the Advocate Association will also be Treasurer of the Co-ordination Committee. He/She will also be a part of the banking transaction of the Committee.
  
- 12. Function of the Advocates' Welfare Sub-Committee : -
  - (i) The Executive Committee of each Association of Patna High Court will be a separate and independent unit and will be functioned as Patna High Court Advocates' Welfare Sub-Committee (in short Sub-committee) under this scheme and also under decision and direction of the Co-ordination Committee of three Associations in order to achieve the aims and objects of this scheme.
  
  - (ii) The Executive Committee of concerned Association-cum-Sub committee will open a separate saving/recurring/current/digital bank account at its own level in any Bank.
  
  - (iii) (a)To print, sale and collect the sale proceeds/price of vakalatnama/Court Room Entry Pass/Claims forms/Affidavits/

Membership forms/Members' Certificates etc. and further collect the amount under receipt for any kind of service charge, subscription/ admission fee/donation and grant etc. in the bank account of Patna High Court Advocates' Welfare Fund, Advocates' Association/ Lawyers' Association/ Bar Association, Patna High Court as per direction of the Co-ordination Committee or provision made under this scheme.

- (b) The Sub-committee will make all proper arrangement for maintaining/ selling/distributing the aforesaid prescribed and concerned paper/ forms/register in the manner, it decides.
- (c) Presently, The Sub-committee "inter alia" will start to issue/sale to needy and desirous/concerned persons in the manner stated below :-
  - (i) Prescribed vakalatnama and affidavit sheet pasted with Advocates' Welfare Stamp of Rs 15/- (Fifteen) separately on payment of Rs 25/- (Twenty five) only each.
  - (ii) Prescribed pass form for each entry in the room of Hon'ble Court on payment of Rs 10/- (Ten) only and on production of Identity proof of its receiver.
  - (iii) All the aforesaid court entry form, vakalatnama and Affidavit will bears its serial number with date & seal of concerned Association and signature of any authorized for its authentication. These things shall be maintained in separate register/files for future reference.

NOTE :- (1) No Advocate member of this scheme will sign and use the court entry pass form, affidavit and vakalatnama which is not issued/obtained/purchased from his/her concerned Association in filling any kind of Application/petition/Affidavit in the Hon'ble Court otherwise he/she shall be responsible for making payment of additional donation of Rs. 500/- (Five Hundreds) only for those who are above the age of 50 years and Rs. 300/- (Three Hundreds) only for those who are below or upto the age of 50 years in the bank account of concerned Sub-Committee annually.

- (2) The Co-ordination committee or Advocates' Welfare Sub-committee will on regular interval of at least each three 3 years, consider to revise the price of aforesaid entry form, Vakalatnama, Affidavit, or donation amount etc. when situation so arises in coming time.

- (iv) To maintain the total income and expenditure of scheme as per decision and direction of the Co-ordination Committee as also as prescribed under the scheme.
- (v) To pay the welfare benefits including festival grants, Medical aid and death claim, pension and to provide the facility of group insurance to the members of this scheme through Bank account payee cheque or online as prescribed by and direction given by the Co-ordination Committee.
- (vi) Each sub committee will be custodian of its own fund and its all concerned correspondent, record, registers/papers/forms etc.
- (vii) To submit annual audit report of income and expenditure of this welfare scheme regularly.
- (viii) To admit the Advocate-member of the Association and their concerned regd. Clerks and permanent staffs of the Association as the member of this Welfare Scheme in prescribed manner and grant membership certificate to the concerned Advocate-member of the fund after getting prior approval of Co-ordination Committee and maintain the register of regular member of the Fund in each Association.
- (ix) To pass and recommend the claim of the member of the scheme to the Co-ordination Committee for approval of payment.
- (x) To do such act as directed by the Co-ordination Committee and/or independently to ensure achievement of aim and object of the scheme.
- (xi) The Office-in-charge of each Association will be direct custodian of entire records including different Stocks register, Ledger cash books and Membership records/files etc. and responsible for all the works of his Association relating to entire affairs of this scheme.
- (xiii) To hold the amount and assets belonging to this welfare scheme.
- (xiv) To regulate the procedure and system regarding printing of Vakalatnama, Affidavit, Court room entry pass form, Membership forms, Claims forms, Money receipts, concerned register of income & expenditures for maintaining proper accounting, seals, pad, etc. and for making arrangement of storing/selling of all concerned things through the three Associations separately.

- (xv) To ensure that benefits of welfare scheme, presently both death claim and medical grants apart from festival grant which will be given to all the regular Advocate- members of the Association under this scheme equally/uniformly and similarly to the staff & clerks members of the Association in decided proportion on the basis of availability of Fund.
- (xvi) To receive application from the desirous and regular Advocate-members at one hand and staff & Advocates' regd. clerks of the Association on the other hand for admission to be a member of this scheme in prescribed form "A" and "A-1" respectively and if the membership form is found in order by the office of the concerned Association, eligible candidate should be given membership certificates in prescribed form "B" and "B-1" (as the case may be) by the President and Secretary General of the concerned Association after getting approval or authorization of the list of such desirous members from the Co-ordination Committee.
- (xvii) To hold and conduct such enquiry as it deems necessary for the disposal of any matter/claims' application or suo-moto relating to the affairs of this welfare scheme or to refer their matter to the Co-ordination Committee for approval or final decision.
- (xviii) To record its decisions of the applications and proceeding in the minutes book.
- (xix) To pay the welfare benefits to the members of this welfare scheme who is found entitled to it through bank account payee cheque or online and to get it approved from the Co-ordination Committee.
- (xx) To take steps for exemption of Income Tax relating to this Welfare/ Charity fund of this welfare scheme under Section 80-G of Income Tax Act and to get it renewed from time to time to keep the exemption available all the time.
- (xxi) To do such act and to take such decision which is beneficial for efficient administration and implementation of this welfare scheme.
- (xxii) To operate its own bank account in the larger interest of aims and object of this scheme and to ensure maximum cashless transaction (income and expenditure) in order to maintain zero corruption and proper transparency.

(xxiii) To decide and implement all such welfare scheme which it may deems proper in the larger interest of its members and payable welfare amount shall be regularly enhanced at least once in the three years by the Committee on availability of sufficient fund. In case of deficiency of fund, the Sub-committee can revise and resolve the amount of welfare scheme reasonably reduced after giving prior information to all concerned members of this scheme or Sub-committee.

(xxiv) To send relevant decision of the meeting to the concerned Association for its execution and if necessary, on the notice board of the Associations for general information to all concerned.

(xxv) The Sub-committee will accept and obey the decision of the Co-ordination committee on any dispute relating to the matter arises under this welfare scheme, subject to review, if any.

13. The President of Sub-Committee will be the patron of this scheme in his/her concerned Association and will preside over the meeting of the Sub-Committee. He/She may also suggest the Agenda to the Secretary General for this scheme in the meeting. He/She will monitor the entire scheme for its execution. In his absence senior most Vice president will work as President of the Committee. The President and Secretary will sign the minute proceeding books.

14. The Secretary General of the Sub-Committee will be the Chief Executive Authority responsible for carrying out the decision of the Sub-Committee. He/She will also represent all cases/suits and proceeding for and against the Sub-Committee. He/She will convene the meeting of the committee under this scheme on appropriate time and place but at least once in a month. He will prepare its minutes. He/She will present with all concerned records and informations in the meeting. He/She will monitor & keep all the concerned records/forms/vakalatnama/Affidavit/applications register etc. under this scheme in respective Association as required and/or prescribed by the Co-ordination Committee.

15. The Treasurer of the concerned Association will also be Treasurer of its Sub-Committee. He/She will also be a part of the banking transaction of the Sub-committee.

16. Any advocate-member, who disobeys any decision of Association and/or welfare sub-committee, shall be removed from the

membership of the Association or from this welfare scheme either by Sub-Committee or by the Co-ordination Committee following the principle of natural justice. Any decision of Association/sub-committee shall be given effect to after getting approval of Co-ordination Committee. In case his/her name is removed from the roll of admission register of association or under this scheme on the ground of proved misconduct, such name shall be referred to Bihar State Bar Council for disciplinary proceeding and needful action u/s-35 of the Act and also to the Bihar Advocates' Welfare Fund Trustee Committee for needful follow-up action.

17. Membership of the Advocates Welfare Scheme :-

- (i) Any advocate-member of the association in prescribed Form-'A' and his/her regd. Clerk & staff of concerned Association in prescribed form no 'A-1' respectively may apply in the office of his/her concerned Association for admission as a member of the Advocates' Welfare Scheme in prescribed form to be supplied by the concerned association on payment of Rs. 200.00 (Rupees Two hundred only) through cash under receipt/bank draft/Challan/account payee cheque/e-banking system.
- (ii) After getting approval from the Co-ordination Committee, the concerned Sub-Committee would issue admission certificate in Form no.- "B" under the signature of its President and Secretary General if admission application duly submitted by the candidate is found OK and in accordance with the provision of this scheme and thereafter his/her name will be entered in the admission register or in electronic system of the scheme in Association concerned.
- (iii) The member of scheme after getting admission in the particular financial year shall pay annual subscription @ Rs. 100.00 per year from next financial year but by or before the end of June of each Financial year. The desirous member of the scheme who is below the age of 50 years, on payment of a sum of Rs 3000/- only and who is on or above the age of 50 years old, on payment of a sum of Rs. 5000/- can be allowed to be a life/one time member of the scheme for his/her lifetime. The senior designated Advocate on payment of a sum of Rs. 11,000/- (Eleven thousand) only can be allowed to be a lifetime/onetime membership of this scheme. The quantum of these subscription/Admission fees is subject to the revisable from time to time by the Sub-committee.

18. Termination or cessation of membership of the Welfare Scheme and consequences thereof :-

The membership of this scheme shall be liable to be terminated or removed in the following case :-

- (i) If any statement given by any member of this scheme in the admission form at the time of making membership of this scheme is found incorrect or false at any time.
- (ii) If any Advocate- member of the Association is removed from the Association on the ground of misconduct or any account.
- (iii) If the name of Advocate regd. clerk is cancelled either by the Patna High Court or by the concerned Advocate.
- (iv) If any staff of the Association is terminated/dismissed from the service from the concerned Association.
- (v) If the member of welfare scheme is continuously found defaulter in making payment of annual subscription to the scheme for consecutive two financial year or more.
- (vi) If the enrolment (practice license) of Advocate member is cancelled on account of punishment for professional or other misconduct by the Bihar State Bar council or/and Bar Council of India or otherwise.
- (vii) If any member of this scheme is found guilty of any offence and is finally punished by any competent Court of law.
- (viii) The name of any member of this scheme can be suspended/ removed from the membership register of this scheme on his/her request on any legal and valid ground.
- (ix) The concerned Sub-committee of the Association or the Co-ordination Committee of the scheme may pass order of termination of membership on the ground for willful violation of its decision after giving opportunity of hearing to the concerned member of the scheme.
- (x) Such terminated member of the scheme can be re-admitted afresh on such terms and condition as may be prescribed or decided by the co-ordination committee or by the concerned Sub-committee but it



is made clear that since the time of removal of membership from this scheme, any such member will not be entitled to get single farthing against his/her earlier payment made to the scheme i.e. his/her earlier deposited amount shall be non-refundable in case of removal of membership.

19. Payment of Advocates' Welfare benefits from this Scheme :-

(A) Death Claim

- (i) In the event of death of any member of this welfare scheme, his/her nominee/s will be given as death claim/benefit within a month on submission of such claim by the claimant nominee/s in prescribed Form no.- "C" to be supplied by the concerned Association/Sub-committee free of cost. The total amount of death claim will be given to such nominee/s as per choice of remaining claimant nominee/s as stated on the Affidavit attached to the claim form otherwise the amount will be distributed in equal proportionate as per desire of deceased member of this scheme.
- (ii) The quantum of death claim shall presentably be given as stated below :-
  - (a) In case of death of Advocate's member-Rs. 1,00,000/- (One Lakh) only.
  - (b) In case of death of regd. clerk/staff Rs.-20,000/- (Twenty thousand) only.
- (iii) The quantum of death claim may be suitably revised/enhanced on regular basis or interval of at least every three years on the availability of sufficient funds in the larger interest of members. Each such claim/s must be supported by an Affidavit duly executed by its concerned claimant/s.

B. Medical Aid /Grant

- 1. A member may be allowed medical grant/aid from the fund of this scheme in the prescribed disease as stated below :-

Category- I (serious/critical illness) :-

- (a) Cancer including surgery.

- (b) Invalidating paralysis stroke leading to permanent disability i.e., unable to walk, see, hear or do normal works.
- (c) Brain Hemorrhage leading to serious damage.
- (d) Brain surgery for cancerous tumor/removal of blood clot/ recovery from coma etc.
- (e) Coronary bypass surgery including angioplasty.
- (f) Kidney transplant/kidney failure/Dialysis.
- (g) Liver transplant / Cirrhosis of Liver.
- (h) Serious accident cases which may lead to death or permanently disability of major limb causing impairment either movement of hearing or vision or writing skill, speech etc., affecting in discharge of professional works in Court.
- (i) AIDS/HIV+ .

C. Category- II (Semi serious/ critical illness) :-

- (a) Hepatitis- 'B'.
  - (b) Insephlitis.
  - (c) Brain T.B.
  - (c) Pthelesimia.
  - (d) Dengue.
  - (e) Kenee replacement.
  - (f) Uterus removal.
  - (g) Bird flu.
  - (h) Lungs failure including Hybrosis/Fibrosis of lungs and its surgery.
  - (i) Major bone fractures/neuro/spinal/abdominal surgery.
  - (j) Ebola or any other such serious/major and life taking disease as decided by the Sub-committee or Co-ordination committee.
2. In case of illness of Advocates' member maximum medical grant for

aforesaid category-I will be Rs. 50,000/- (Fifty thousand) only and for category-II maximum grant will be Rs 25,000/- (Twenty five thousand only) and same shall be allowed by the Sub-committee on submission of prescribed Form no.- 'D' (to be supplied by the concerned Sub-committee/Association only) duly filled up and submitted by the claimant Advocate- member in the office of concerned Association/Sub-committee.

3. In case of illness of regd. clerk/staff members, the maximum medical grant for aforesaid Category-I will be Rs. 10,000/- (Ten thousand) only and for category- II-Rs. 5000/- (Five thousand) only respectively which will be allowed on submission of prescribed form no. 'D-1' to be obtained from the Sub-committee and duly filled up and submitted by the claimant- member in the concerned office of Association/Sub-committee.

#### Explanation-Cum-Condition

4. The maximum aforesaid medical benefits will be given against the actual expenditure made during medical treatment on the basis of doctor's prescription, medical (path lab) reports, X-rays, medical receipts, admission or discharge slip during treatment in recognized/ reputed hospitals.
  5. The aforesaid medical benefits will be given once in life time against any aforesaid prescribed disease/s.
  6. Pre-existing disease before admission of this scheme will not be covered under this scheme.
  7. The medical claim must be supported by an affidavit executed by the claimant.
  8. In case of doubt, the Sub-committee suo-moto or after taking opinion from the concerned doctor, will take final decision or it can refer to the Co-ordination Committee for final decision.
- D. **Festival Grants:-** The Co-ordination Committee or Advocates' Welfare Sub-committee of each Association on the availability of sufficient funds shall also allow to pay festival grants to its members of this scheme on the occasion of national festival i.e. Holi and/or Durga Puja in each year. The quantum of such festivals grant for Advocate members shall be equal and uniform. Separate quantum of such festival amount for staff & regd. clerks- members shall also be

given in equal proportionate as decided by the Sub-committee or Co-ordination Committee in the manner prescribed thereunder.

E. Pension or Group Insurance benefits :-

The Co-ordination committee or Sub-committee on availability of sufficient fund or on developing effective mechanism, can launch the pension benefit scheme on attaining the age of 70 years old for lifetime and/or to provide group insurance scheme in the larger interest of the members of this scheme in future.

20. The Co-ordination Committee will finally be full controlling and administrative authority of this scheme in order to regulate scheme effectively fairly and with regard to other connected affairs thereto in the larger interest of its members. The Co-ordination Committee may from time to time constitute several other separate Sub-committee for supervision and execution of scheme. The decision of Co-ordination Committee shall be binding precedent on all three Association and its members.
21. Every Sub-committee will have the right to remove any difficulty or to amend this scheme in the light of its aims and object after getting approval of the Co-ordination Committee.
22. The Advocate Welfares' Scheme under any benevolent fund of any Association is hereby repealed and all the assets or liability of any such scheme running since before in different name and style for the welfare of the Advocates' member are hereby merged or vested in this scheme at the level of same concerned Advocates' Welfare Sub-committee and in its fund. In case the General body of any Association takes decision that its Association does not want to adopt/accept this welfare scheme, any Advocate welfare scheme of such Association and its members shall not be adversely affected and remain intact but no benefit shall be given to them under this scheme.

*Praveen Kumar Ma*  
17.3.2017