

# **ADVOCATE WELFARE FUND RULES- 2015**

MANGALDAI BAR ASSOCIATION

## **PROLOGUE**

Profession of lawyer has known recorded history of more than 300 years even than till these days there was no scheme of pension , welfare fund or retirement benefit for the lawyers and thus lawyers have remained in most unorganised sector , However from 1980 this gloomy scenario has slowly changed and most of the state enacted legislation to provide some assistance to the family of lawyer on his death.

Lawyers of Mangaldai Bar Association (MBA) also raised demand for constitution of Advocate welfare Fund (AWF). Finally on 09.04.2015 the General Body of MBA adapted resolution to launch such scheme /Fund (Resolution No.5)

Meanwhile on 06.04.2015 seven lawyers namely Jayanta Deka, Mrinal Kr. Nath , Sailendra Kr. Goswami, Kalpana Deka, Nirod Deka, Nayanmoni Deka and Jatin Nath in order to accelerate the process of constitution of AWF have contributed Rs.7000/- by way of demand draft towards the proposed AWF and finally the Executive Committee of the MBA on 30.06.2015 by a resolution formed following three member committee to frame Rules of the proposed AWF and accordingly committee drafted the Rules and presented before member of the MBA.

### **Advocate Welfare Fund Rules:-**

- 1) This Rules shall be called as Advocate Welfare Fund (AWF) rules,2015
- 2) This Rules shall come into force from 01.01.2016 irrespective of the date on which it is ratified by general body of the Mangaldai Bar association (MBA)
- 3) **Membership:-**
  - a) Every member of the Mangaldai Bar Association whose name is duly entered in the prescribed Register of the Member shall be treated as member of AWF.
  - b) When a member is suspended or expelled by the MBA such member shall cease to be the member of the Fund and shall not be eligible to claim benefit under the Fund.
  - c) The word dependant used in the later part of this Rules means the spouse parents or minor children of a member of the Fund.
  - d) The employee appointed by MBA and draws monthly salary from the MBA shall also be treated as member of the Fund however he or she will cease to be member of said fund from the moment of termination of his/her service from the MBA
- 4) **Fund:-**
  - a) The amount of initial fund shall be Rs.1,07,000/-(Rupees one Lakh seven Thousand ) and this amount shall be advanced from the General Fund of the MBA.
  - b) The member of the MBA shall also be called upon to contribute generously toward the augmentation of this Fund.
  - c) Every year in the month of January an amount of Rs.25,000/- or more shall be contributed towards the AWF from the General Fund of the MBA.
  - d) Every member at the time of enrolment as member of the MBA shall contributed Rs.500/- towards the AWF. This rule shall be applicable to those who enrol his name as member of the MBA after 31.12.2015.
  - e) That the other member of MBA whose name is already entered in the registrar of MBA before 31.12.2015 shall contribute Rs.200/- to attain the membership of this AWF.
  - f) The member who contribute member fees as mentioned in the foregoing Rules shall be entitled to receive benefit under this fund.
  - g) The person who inducted as member of AWF by operation of Rule 3 (d) shall be treated as Member of the Fund without any contribution towards the AWF.

5) **Control of the Fund:-**

- a) A separate Committee shall be formed to manage and control the Fund to provide benefit to its member and such committee shall be constituted by the executive committee of the MBA in the first meeting after assuming the charge from the outgoing committee.
- b) The Senior Vice president of the MBA shall be the Chairperson of the AWF.
- c) The Executive committee of MBA shall nominate/elect the Secretary of AWF among the member of the MBA. Besides the Secretary there shall be five other member to be nominated by the executive committee of the MBA in the first meeting after assuming charge from the outgoing committee.

A sincere and regular practising lawyer of MBA shall be eligible for the post of the Secretary of AWF.

- d) The President of the MBA shall have the discretion to nominate another two member if he deem it , fit and proper to nominate such member for the advancement of the cause of the AWF.
- e) The person whose name is entered in the member Registrar of MBA shall be eligible to be selected or nominated as office bearer/ executive member of the Committee of AWF.
- f) Separate accounts shall be maintained in any nationalised Bank located at Mangaldai Town.

The said account shall be named as Advocate Welfare Fund, Mangaldai Bar Association, and Mangaldai-784125

- g) The Chairperson and Secretary of AWF shall jointly operate the said account.
- h) The committee of the AWF shall have the power to invest minimum 25 % of the total fund in any beneficial scheme introduced by the Government of India , Unit Trust of India , LIC so as to further augument the Fund.

6) **Meeting of the AWF:-**

- a) The committee of AWF shall hold meeting at least once in every year to transact business under this Fund.

The Chairperson of the Fund at end of the tenure shall prepare and present the report touching the work carried out during his tenure before the biennial general meeting of the MBA immediately after presentation of the Secretarial report by the Secretary of MBA and same shall be ratified by general body.

- b) Five members of the AWF committee shall from the quoram of the meeting of committee.
- c) The every member of Executive committee of MBA shall be kept abreast of the every decision made by the AWF committee.

- d) The decision which committee deem it fit and proper shall be widely circulated to all member of the MBA.
- e) The general body and Executive committee of MBA shall have the power to nullify , revise, rescind any decision taken by the AWF committee.

7) **Function of the AWF Committee:-**

- a) Hold the account and asset belonging to the AWF.
- b) Receive application from member , their dependant (S), or legal heirs as the case may be for payment out of the Fund and conduct such inquiry as it deem necessary to dispose of the application within 15 days from the date of receipt thereof.
- c) Pay to the member of the AWF or legal heir, dependant, as the case may be, the amount granted by the committee of AWF.
- d) The committee in exceptional case may soumoto take up and consider and provide grant to any member of the AWF who are in distress provided such case falls under the Rule 9 of the AWF Rules ,2015.
- e) The committee may discuss and decide in its meeting about opening of personal health , personal accident policy or life Insurance Policy for the benefit of its member specially for those member who inducted as member U/R 3 (d) of the AWF Rules,2015.

8) **Account & Audit:-**

- a) The AWF committee shall maintain proper accounts and other relevant records and prepare annual statements of account together with annual report and the same shall be presented before the general Body of the MBA by the Chairperson in the manner provided U/S 6(a) of this Rule.
- b) The accounts of the committee shall be audited before the end of the term of the committee by the Auditor of the MBA.

9) **Ex-gratia grant to a member of Fund:-**

- a) The committee on an application made to it by a regular practising lawyer/ member or his/her dependant/legal heir and after being satisfied about the genuineness of the claim may allow ex-gratia grant to such member from the Fund.
  - i. In case of his hospitalisation or involving major surgical operation or
  - ii. If he/she is suffering from paralysis cancer, unsoundness of mind, cardiac or kidney disorder or any other serious disease or disability.  
The amount of ex-gratia grant shall be decided by the committee
  - iii. In the event of rejection , deferment of the decision of the such application the same shall be duly communicated to the member or his dependant/legal heir.

- 10) The Executive committee of the MBA shall have the power to dissolve the committee constituted U/R 5 of the AWF Rules ,2015 on the grounds of gross misconduct , financial anomaly and in such situation an interim committee shall be

constituted by the Executive Committee of the MBA and this interim committee shall carry out duties and function of AWF committee.

The restriction imposed U/S-5 (b) and (c) of AWF Rules 2015 shall not operate in case of formation of interim committee of AWF.

- 11) The Executive committee may remove , suspend any member including Chairperson and Secretary of the AWF committee if he/she involved in any act (S) which amounts to the misconduct.
- 12) The any matter not covered under the AWF Rules 2015 shall be placed before the Executive committee of the MBA and the decision of the Executive committee shall be treated as final however such decision shall be ratified by General Body of the MBA.
- 13) The Executive committee of the MBA may amend or delete any Rules of the AWF Rules 2015 however such amendment must be rectified by the general Body.
- 14) Any member of the MBA may move amendment of the AWF Rules'2015 in writing before 15 days ahead of the binary general meeting of the MBA and such amendment after endorsement shall be incorporated in AWF Rules2015.

President  
Mangaldai Bar Association,  
Darrang: Mangaldai

Secretary,  
Mangaldai Bar Association  
Darrang, Mangaldai

**FOR AND ON BEHALF OF**

**Mangaldai Bar Association, Darrang: Mangaldai**