

The M.P. Advocates Welfare Scheme, 1995

MADHYA PRADESH

India

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Rule THE-M-P-ADVOCATES-WELFARE-SCHEME-1995 of 1995

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The M.P. Advocates Welfare Scheme, 1995 Published vide Notification No. F 17-E-88-95-21-B-(2), dated 8th August, 1995, M.P. Rajpatra, Extraordinary, dated 8th August, 1995, p. 762(3) In exercise of the powers conferred by sub-section (2) of Section 15 of the Madhya Pradesh Adhivakta Kalyan Nidhi Adhiniyam, 1982 (No. 9 of 1982), the State Government hereby publishes the Madhya Pradesh Advocates Welfare Scheme, 1995 prepared by the Madhya Pradesh Advocates Welfare Fund Committee in pursuance of clause (i) of sub-section (1) of the said section, namely :-

1.

(1) This Scheme may be called The Madhya Pradesh Advocates' Welfare Scheme, 1995. (2) It shall come into force on the 12th August, 1995.

2.

Subject to the provisions of this Scheme any Advocate enrolled with the State Bar Council of Madhya Pradesh shall be entitled to become a Member of the Scheme after submitting an application in Form "A".

3.

Every applicant shall pay an admission fee of five hundred rupees in lump sum with the application.

4.

Every member shall pay an annual subscription on or before 30th June of every year at the following rates :-

(i)

- | | |
|---|--------------------|
| Where the standing of the advocate at Bar is less than 5 years at the time of joining the scheme and his age is below 30 years. | Rs. 200 per year |
| (ii) Where the standing of the advocate at the Bar is more than 5 years and less than 10 years at the time of joining the scheme and his age is below 35 years. | Rs. 500 per year |
| (iii) Where the standing of the Advocate at Bar becomes 10 years or more at the time of joining the scheme or his age is above 35 years | Rs. 750 per year : |

Provided that after joining the scheme, if a member completes 5 years of practice he shall pay Rs. 500 per year and if he completes 10 years of practice he shall pay Rs. 750 per year ; Provided further that a member of the scheme may deposit a lump sum of Rs. 6000 (Rupees six thousand) and in that event he shall not be required to pay any annual subscription.

5.

In case of any default in depositing subscription interest at the rate of fifteen per cent per annum, shall be charged on every year's default.

6.

If advocate is refused admission to the membership of the scheme by the Bar Council, he may file an appeal to the Madhya Pradesh Advocates Welfare Fund Committee, Bhopal within 3 months from the date of refusal. The Trustee Committee may, after giving due opportunity of hearing to the concerned and the Association, direct that such Advocate may be admitted to the Member of the Scheme. The order so passed shall be final.

7.

If a member is expelled from the membership of the concerned recognised Bar Association of Madhya Pradesh or otherwise ceases to be a Member of such an Association then his name shall be liable to be deleted from the membership of this scheme and the annual subscriptions paid by him together with nine per cent 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 recommendations of the concerned Association and without hearing the concerned member and such order shall be passed by the Council in its General Meeting after such enquiry, as may be necessary.

8.

(1) Name of person shall stand removed from scheme automatically if he is in arrears of annual subscription for a period of three consecutive years. (2) An Advocate who is so removed from the membership of the scheme, can only be re-admitted on payment of arrears of subscription due against him along with interest at the rate of fifteen per cent per annum and such other penalty not exceeding Rs. 500 as may be imposed by Trustee Committee provided his name is restored or continues on the State roll maintained by the State Bar Council.

9.

If a member of the Scheme who completes a period of 5 years after he becomes the member of the scheme, shall subject to other provisions of the scheme be entitled to seek voluntary retirement from the membership and to receive an amount of annual subscription deposited by him alongwith the simple interest at the rate of nine per cent per annum from the date of deposit made by him.

10.

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 member of the scheme. He shall be entitled to the benefits as per the Schedule and Trustee Committee in special circumstances for reasons to be recorded, may allow claim of Rs. 50,000 (Fifty thousand).

11.

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 to refund of all his annual subscription with nine per cent per annum simple interest from the date of payment of his annual subscriptions.

12.

In the event of death of a member of the scheme to the contrary if any advocate after his admission to the scheme joins any employment, he shall be entitled to refund of all his annual subscriptions with nine per cent per annum simple interest from the date of payment of his annual subscriptions.

13.

In the event of death of a member of the scheme the amount to which a member was entitled shall be paid to his nominee or where there is no nominee, to his dependents and in the absence thereof, to his other legal heirs. Explanation. - For the purposes of this clause, "dependents" means the spouse, minor children and unmarried daughters. In case any member dies or acquires total permanent disablement at any time after becoming the member of the scheme, he or his nominee/dependents or other legal heirs, shall be entitled for a sum as per schedule. A member who completes 40 years of membership shall be entitled to maturity value of 40 years as per Schedule : Provided that if a member deposits Rs. 6000 in lump sum at the time of becoming member of the scheme, shall on completion of 40 years of membership of this scheme, be entitled for lump sum payment of Rs. 5,00,000 (Rs. Five lakhs) and upto 39 years of membership the other rates of the schedule shall remain applicable to such a person who had made a lump sum deposit of Rs. 6,000.

14.

(1) Trustee Committee on an application made to it in the prescribed form and after being satisfied about genuineness of the claim, may grant ex-gratia payment from the fund. (2) 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 or 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.

15.

An appeal in the prescribed form shall lie to the Bar Council of Madhya Pradesh against the decision of the Trustee 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 receipt of the order and the decision of Council shall be final.

16.

In case, the scheme is silent about any matter such matters shall be decided by the Trustee Committee in consultation with the Bar Council of Madhya Pradesh.

17.

Those advocates who join this scheme shall be entitled to the benefits of any other scheme for the time being in force.

18.

The Trustee Committee may delegate any of its powers under this scheme to any of its sub-committees or any other member of the Trustee Committee or to the State Bar Council of Madhya Pradesh.

19.

The Trustee Committee may appoint a sub-committee to entertain process and order payment of all claims under this scheme. Such committee, in consultation with Bar Council may lay down the guidelines for this purpose.

Schedule

(See clause 10 and 11)

Upto 5 years Membership	Rs. 25,000.00
From 5 Years to 10 Years of Membership	Rs. 30,000.00
Upto 11 years	Rs. 31,000.00
Upto 12 years	Rs. 32,000.00
Upto 13 years	Rs. 35,000.00
Upto 14 years	Rs. 38,000.00
Upto 15 years	Rs. 41,000.00
Upto 16 years	Rs. 45,000.00
Upto 17 years	Rs. 50,000.00
Upto 18 years	Rs. 55,000.00
Upto 19 years	Rs. 60,000.00
Upto 20 years	Rs. 65,000.00
Upto 21 years	Rs. 72,000.00
Upto 22 years	Rs. 79,000.00
Upto 23 years	Rs. 86,000.00
Upto 24 years	Rs. 93,000.00
Upto 25 years	Rs. 1,00,000.00
Upto 26 years	Rs. 1,15,000.00
Upto 27 years	Rs. 1,30,000.00
Upto 28 years	Rs. 1,45,000.00
Upto 29 years	Rs. 1,60,000.00
Upto 30 years	Rs. 1,75,000.00
Upto 31 years	Rs. 1,95,000.00
Upto 32 years	Rs. 2,15,000.00
Upto 33 years	Rs. 2,35,000.00
Upto 34 years	Rs. 2,55,000.00
Upto 35 years	Rs. 2,75,000.00
Upto 36 years	Rs. 3,05,000.00
Upto 37 years	Rs. 3,35,000.00
Upto 38 years	Rs. 3,65,000.00
Upto 39 years	Rs. 3,95,000.00
Upto 40 years	Rs. 4,25,000.00

In case of lump sum deposit of 6,000 at on completion of 40 years of membership Rs. the time of joining 5,00,000.00. the scheme