

UDH BAR ASSOCIATION

HIGH COURT, LUCKNOW.

ESTD.: -1901

The Original Scheme Oudh Bar Association Members and their Families (Help in Distress) Scheme, 2013 with update Amendments (underlined)

In exercise of powers conferred under the Rule-52 of the Bye Laws of the Oudh Bar Association and notwithstanding existence of Welfare Scheme known as “Oudh Bar Association Relief Fund” meant for providing Financial Assistance to the Members of the Bar in distress but considering the same as inadequate in providing the Financial Assistance to the members in distress as such a need being felt to meet the aspiration of the members of the Bar in achieving the avowed object the Welfare Scheme for providing financial help in distress to the members of the Bar is formulated as under: -

1. Name of the Scheme: The Scheme shall be called as “The Oudh Bar association Members and their Families (Help in Distress) Scheme, 2013”.

2. Definition :

- I. ‘Bar’ means, the Oudh Bar Association, High Court, Lucknow.
- II. ‘Fund’ means the Oudh Bar Association Help in Distress Fund.
- III. ‘Critical illness’ means,
 - a. Any form of Cancer.
 - b. Coronary Thrombosis.
 - c. Renal or any Organ Failure and
 - d. Dysfunctional, Non Functional and Mal Functioning of life supporting organ or any part of the Body physically incapacitated on account of major surgery or succumbing to serious critical injury caused by accident

rendering the life supporting organ or body handicapped.

- e. Any other illness as per the opinion of the attending doctor or Hospital is so critically serious where recovery of life is not possible.

IV. 'Member' means the ordinary or life member as contemplated under Rule-4 of the Bye Laws.

V. 'Scheme' means the Oudh Bar Association Members and their Families (Help in Distress) Scheme, 2013.

Amendment by Resolution dated 26-06-2015

In Clause-III of Para-2 of the scheme the word "other serious ailment" shall be omitted.

3.Mode of Entitlement under the Scheme: Every member as defined in Sub Clause-IV of Rule-2 shall affix on each Vakalatnama (Power)/ the memorandum of Appearance to be filed in the High Court, a ticket of Rs.100/- issued from the Oudh Bar Association.

Provided that the above mentioned amount may be altered/varied by the Governing Council of the Association by amending the scheme.

4. Criteria (Entitlement) under the scheme: In case of death the nominee of the deceased member will be given Rs.4.00 Lakhs (Rupees Four Lakhs only) within a period of one month from the date of the application submitted by his/her immediate relative to be entitled for the same in the order as under.

- a. Wife/Husband
- b. Son/Unmarried Daughter as nominated.
- c. Dependent Mother/Father of the male member as nominated.
- d. Dependent Mother/Father-in-Law of female members as nominated.
- e. Mother or Father of the widow member/Mother or Father of unmarried female member.
- f. Sister or Brother.

In case of critical illness as defined under Clause-III of Rule-2 any member suffering from the same will be given Rs.1.00 Lakh (One Lakh Rs. Only) within ten days from the date of the application submitted to the Oudh Bar Association

supported by Medical Certificate certified by authorized doctor along with the estimate of Medical Expenses.

Provided that the benefit of the scheme will not be extended to the member who has committed default in affixing the ticket on each and every Vakalatnama/Memorandum of appearance filed in the High Court.

Provided further that the benefit of the scheme will also not be extended to the member in case he/she has not purchased minimum 10 tickets from the Oudh Bar Association in each calendar year irrespective of the fact even if he files less than 10 vakalatnama/memorandum of appearance in a calendar year.

Provided further that the member who becomes the member of the Oudh Bar Association on or after the commencement of the scheme after attaining the age of 60 years or after retirement from Central Government service/State Government Service/Corporation Public/Private Establishment/Undertaking or any other service will get only 25% of the death benefit/critical illness benefit under this scheme.

Amendment by Resolution Dated 07-11-2013

1. **The Agenda No.2 for enhancing the amount of Distress in Help Scheme.-2013 has been accepted and it has been resolved to enhance the benefit under the scheme from 4 lacs to 5 lacs and therefore the provisions of benefit shall be amended accordingly.**

Amendment by Resolution Dated 07-08-2014

Amendment of clause-4 of the scheme:

- (i) In clause-4 **Other Serious Ailments** shall also be included in addition to **Death** and **Critical Illness for purposes of grant of Financial Assistance**. In such cases Financial Assistance according to discretion of the **Governing Council** shall be admissible to the members of the Bar.
- (ii) In Help in Distress Scheme in cases of **Critical Illness** any member suffering from the same will be given **Rs.2 Lakhs**. Rs.1 Lakh shall be deleted and in its place Rs.2 Lakhs shall be added.
- (iii) In place of the word "**Calendar Year**" as mentioned in Help in Distress Scheme, the word "**Preceding Year**" from the date of **death or the date of detection of Ailment or Critical Illness** will be incorporated.
- (iv) The amendment as done by Resolution No.2 dated 7-11-2013 regarding enhancement of Financial Assistance in case of **Death** from Rs.4 Lakhs to Rs.5 Lakhs is hereby further amended to the effect that in case of **Death Rs. 4 Lakhs** will be admissible under the Scheme.

Amendment by Resolution Dated 26-06-2015

In Para-4 of the scheme the word “Two Lacs” shall be omitted and it shall be substituted by words “One Lacs” and similarly figure of “Four Lacs” will be omitted and it shall be substituted by figure “Five Lacs”.

5. Commencement of the Scheme: The Scheme shall come into force on the date mentioned in the notification affixed on the Notice Board of the Association under the signatures of General Secretary of the Association. Provided the benefit under the scheme will be extended to the members from 60th day after the date of such notification. The scheme will send to the Bar Council of U.P. for its approval.

6. Creation and Operation of the Fund: The Fund of the Scheme i.e. Help in Distress Scheme, 2013 shall be created by opening bank account in the nationalized bank which will be operated under the joint signatures of the President, General Secretary and the Treasurer of the Association.

Provided in case any of the office bearers mentioned above is absent for more than seven days from the Districts, the Governing Council in its meeting may authorized only two office bearers out of above three office bearers to operate the account of the scheme under joint signature of only two office bearers as mentioned above during such absence.

Amendment by Resolution dated 26-06-2015

In last of Para-6 of the scheme following words shall be inserted-

“Provided further that the benefit under scheme against critical illness will not be extended for period of Twelve month from the date of extension of benefit and the benefit will be extended to member again for critical illness after expiry of twelve months from date of extension of benefit.”

“6A-There shall be a disbursement committee comprised of -

- I. General Secretary, Ex-offcio Chairman.**
- II. Vice President Middle Senior Most**
- III. Joint Secretary, Senior Most**

**IV. One Member of Governing Council, (Above Fifteen Years)
Senior Most.**

**V. One Member of Governing Council, (Below Fifteen Years)
Senior Most.**

Which shall look into the claim and take decision for disbursement of amount by majority against critical illness and death of the member for sanction of the claim after verification in accordance with the letter and spirit of the scheme and the decision so taken will require the approval of the President and thereafter the disbursement will be made.

It is further provided that on the receipt of the information about the death of the member a sum of Rs.50,000/- shall be handed over immediately to family members of the deceased member after verification of membership and condition of affixing tickets of Rs.100/-. This amount shall be adjusted while making the final disbursement of Rupees Five Lacs.

It is further provided that the benefit of scheme will not be extended in case the member is in arrears of Monthly Subscription for 3 months or more on the date of application for financial help and critical illness or death unless he/she explains the default and the executive committee is satisfied from the explanation given by the member.

7. Generation of the Fund: The fund of the scheme will be generated from the sum received from the sale of the ticket as mentioned in Rule-3 of the scheme and including the sum so received from the State Government/Central Government or by other sources, if any, for the purpose of the scheme.

8. In case it is found after discovery that false information provided by the claimant member, claimants family or relative, the Governing Council shall be authorized for taking punitive action and recover the relief amount, if any, so disbursed along with an action for expulsion of the claimant member from the Bar.

9. In case any dispute arises regarding the entitlement to receive the amount by the members of the family of the deceased, the matter shall be placed before the Governing council of the Association and the decision of the Governing Council will be final.

10. Savings: Notwithstanding anything contained in any other rule, bye law, scheme or circular. The present scheme shall be deemed effective from the date so determined and notified on the notice board.

Amendment by Resolution Dated 07-11-2013

- 2. In Agenda No.13 other emergent issues being crept in wherein one of the issues being raised with regard to the disbursement of the amount to the members of the Bar who are active practitioner of this Hon'ble High Court, Lucknow Bench, in their critical illness to be considered on submission of application as to be given from 1st January, 2014 for which it has been discussed and agreed that their shall be a disbursement committee comprised of General Secretary, the Ex-Oficio Chairman, Vice President Middle (one senior most), Joint Secretary Administration, Senior Most One Senior Member Governing Council and Senior Most One Junior Member Governing Council, which shall look into the claim and approve for disbursement of the amount against critical illness of the member of the Bar for sanction after due verification as per the spirit of the scheme i.e. "Oudh Bar Association and their families (Help In Distress) Scheme-2013" under the intended clause of the critical illness and take decision for the same with the approval of the President.**

Amendment by Resolution Dated 07-08-2014

- 3. The Scheme may be called as "Help in Distress (Third Amendment) Scheme 2014".**

The Third Amendment Scheme 2014 shall come into force w.e.f. 1st July, 2014.

Amendment by Resolution Dated 26-06-2015

After Para-10 following para shall be inserted –

10A- All the amendments made and resolutions passed contrary to the present amendment, by the Governing Council of preceding year, shall stand omitted and cancelled.

10B-The amended scheme shall be placed in the General Body of the Association for its assent.

10C-Any other further amendment in scheme can be made only after the decision of the General Body of the Association.

10D-All amendments will be incorporated in the scheme and the complete amended scheme shall be drafted and circulated by displaying on notice board of the Bar Association and it shall also be circulated to members of the Bar.