

**PREAMBLE:** The Governing Body of the **SHILLONG LAW COLLEGE**, Shillong has been seized with the principal object of introducing employees' welfare-oriented but viable scheme in recognition of the Staff members' sincere service and contribution to the development of the college during the last many years. In order to achieve this noble objective, the Governing Body has initiated necessary steps to create a suitable fund through an efficient and prudent financial management and contributory mechanism wherein the management, the members of the staff and the students would collectively and voluntarily participate in various capacities to the creation and development of this fund. The Governing Body therefore in its special meeting held on the 4th July 2009 **RESOLVED** to introduce the '**SHILLONG LAW COLLEGE EMPLOYEES' WELFARE SCHEME, 2009** as empowered under Article 7(2)(ii) of the Constitution of the College as per Resolution No.

1. **Short title and commencement:**

- (1) This Scheme shall be called the "SHILLONG LAW COLLEGE EMPLOYEES' WELFARE SCHEME, 2009".
- (2) The Scheme shall come into force from such date as may be notified.

2. **Application:**

- (1) Save as otherwise provided, the Scheme shall apply to all categories of fulltime employees borne on regular and ad hoc establishments of the College.
- (2) The Scheme shall not apply to:
  - (a) Persons in casual and daily rated employment; and,
  - (b) Persons employed on contract except when the contract provides otherwise.

3. **Definition:** Unless the context otherwise provides:-

- (a) "College" means the **SHILLONG LAW COLLEGE**;
- (b) "Competent Authority" means the competent authority specifies under this Scheme;
- (c) "Emoluments" means as defined in Paragraph 5 of this Scheme.
- (d) "Employee" means a teacher and every employee on the employ of the College in terms of sub-Para (1) of Para 2, *ibid*.
- (e) "Family" will include the following relatives of the employee:-
  - (i) Wife, in the case of a male employee;
  - (ii) Husband, in case of female employee;
  - (iii) Son(s), including step son(s) and adopted son(s) below the age of 24 years and wholly dependent.
  - (iv) Daughter(s), including step daughter(s) and adopted daughter(s) below the age of 24 years widowed daughter/step daughter/ adopted daughter, as the case may be, and wholly dependent;
  - (v) Brother(s) below the age of 21 years including step brother(s);
  - (vi) Father including adopted in the case of individuals whose personal Law permits adoption;
  - (vii) Mother including adopted in the case of individuals whose personal Law permits adoption;
  - (viii) Unmarried sisters and married daughter wholly dependent and;
  - (ix) Children of pre-deceased son(s) and daughter(s)

- (f) “Fund” means the Shillong Law College Employees Welfare Fund:
- (g) “Pay” means the monthly pay(basic) including Personal Pay and Special Pay of the employee admissible immediately before retirement or death and/or relinquishment of the College service:
- (h) “Principal” means the Principal of the Shillong Law College which term shall include the Vice-Principal:
- (j) “Secretary” means the Secretary of the Shillong Law College, Governing Body.
- (k) “Qualifying service” means service rendered while on duty or otherwise which shall be taken into account for the purpose of Ex – Gratia grant as admissible.

**4. Commencement of qualifying service:**

- (1) Subject to the provisions of the scheme, qualifying service of an employee shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity in the service.
- (2) For the purpose of computation of the completed qualifying service the numbers/uninterrupted continuous service of an employee in the Shillong Law College shall be taken into account. The maximum number of completed years of service for the purpose of this Scheme shall be “thirty-three” years.

**NOTE:** For the purpose of calculating the length (qualifying) of service, a fraction of six months and above but less than twelve months shall be treated as one completed year of service. Similarly, a fraction of three months and above but less than six months shall be treated as one-half years and the period less than three months shall be ignored.

- 5. **Emoluments:** The expression “ emoluments” means pay as defined in clause(s) of Para 3 ibid, which an employee was receiving immediately before his retirement or on the date of his death or relinquishment from the College service, as the case may be.

**NOTE:** 1. If an employee immediately before his retirement or death while in service or death while in service or otherwise had been absent from duty on leave for which leave salary is payable or having been suspended had been re-instated without forfeiture of service, the emoluments which he would have been drawn had he not been absent from duty or suspended shall be the emoluments for the purpose of this rule.

**NOTE :** 2 If an employee immediately before his retirement or death while in service had been absent from duty on extra ordinary leave or had been under suspension and the period thereof does not count as service as on duty for all purposes, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose.

**6. Eligibility for Ex-Gratia Grant:-**

- (1) An employee who has completed five years of qualifying service shall be entitled to the grant of the Ex-Gratia Payment not exceeding the amount as specified in Para 7, when he dies while in service or retires from service on superannuation, invalidation or retrenchment from service and is otherwise eligible for the same under these rules.

Provided that no Ex-Gratia Grant shall be admissible for service under re-employment or service regulated by the terms and conditions of contract.

- (2) The length of qualifying service required in sub-para (1) shall not apply in case an employee is invalidated on medical grounds;
- (3) The Governing Body of the College may, in special cases, condone or relax the provisions specified in sub-Para (1).

7. **Amount of Ex-Gratia Grant:-**

- (1) (a) An employee who has completed five years of qualifying service and has become eligible for the Ex-Gratia Grant under these rules, shall on his retirement, be granted to Ex-Gratia Grant equal to half of his emolument for each completed years of the qualifying service, subject to the maximum of Rs. 1,25,000/- (Rupees One Lakh Twenty Five Thousand) only.

(b) If an employee dies while in service after completing five years qualifying service, the amount of Ex-Gratia Grant shall be equal to twelve times of emoluments of the amount determined under Clause (a) above, whichever is higher and it shall be paid to his family in the manner indicated in sub-Para. (2) of Para 11.

Provided that the amount of Ex-Gratia Grant payable under this Paragraph shall, in no case, exceed Rs. 1,25,000/- (Rupees One Lakh Twenty Five Thousands) only.

- (2) If an employee who is eligible for the College Ex-Gratia Grant, dies within five years from the date of his retirement from service and the sums actually received by him at the time of his death on account of the Ex-Gratia Grant admissible under Sub-Para (1) *ibid*, is less than the amount equal to twelve times of his emoluments, a residuary Ex-Gratia Grant equal to the deficiency thereof may be granted to his family in the manner indicated in Sub-Para (2) of Para 10 and/or Para 11.
- (3) (a) If an employee, dies in the first year of qualifying service the Ex-Gratia Grant equal to two times of his emoluments at the time of his death subject to the minimum of Rs. 25,000/- (Rupees Twenty Five Thousand) only shall be paid to his family in the manner indicated in Sub-Para 10 and/or Rule 11 as the case may be.  
  
(b) If an employee dies after completion of one year of qualifying service but before completing five years of qualifying service, the amount of Ex-Gratia Grant shall be equal to six times of his emoluments at the time of his death subject to the minimum of Rs.25,000/- (Rupees Twenty Five Thousand) only.

8. **In-admissibility to Ex-Gratia Grant:-** No Ex-Gratia shall be admissible to an employee who:-

- (i) is dismissed from College Service;
- (ii) is removed or compulsorily retired from service or who has been called upon to resign on account of misconduct or inefficiency; and
- (iii) resigns his service of his own volition.

9. **Recovery of College dues from Ex-Gratia Grant:-** It is permissible to make recovery of College outstanding dues from the Ex-Gratia Grant due in respect of an employee without obtaining his consent or without obtaining the consent of the family member(s) of the deceased employee, as the case may be.

**10. Application from sanction of Ex-Gratia Grant:**

- (1) An employee who is eligible for Ex-Gratia Grant under these rules shall submit the application to the Secretary of College Governing Body in the prescribed form (Form No. 1)
- (2) Where an employee dies while in service or before submitting the application under sub-Para (1) *ibid*, his family or such legally authorised person(s) who is entitled to received the deceased employee admissible Ex-Gratia Grant, shall submit the application under Form No. 2.

**11. Persons to whom Ex-Gratia Grant is payable:**

- (1) (a) The Ex-Gratia Grant payable under the Scheme shall be paid to the person(s) on whom the right to receive the Ex-Gratia Grant is conferred by means of a nomination under Para. 13.  
  
(b) If there is no nomination or if the nomination does not subsist, the Ex-Gratia Grant shall be paid in the manner indicated below:-
  - (i) If there are one or more surviving members of the family as specified in sub-clauses (i), (ii), (iii) and (iv) of Clause (c) of Para 3, to all such members of the family in equal shares;
  - (ii) If there are no such surviving member(s) of the family as specified in Clause (i) above, but there are one or more members as in sub-clauses (v) to (ix) of Clause (e) of Para 3, *ibid*, to all such members in equal proportions,
- (2) If an employee dies after retirement without receiving the Ex-Gratia Grant admissible under the Scheme, the said amount shall be disbursed to the family in the manner indicated in sub Para (1) above.
- (3) The right of a female member of the family or that of the brother, if an employee who dies while in service or after retirement, to receive the share of Ex-Gratia Grant shall not be affected in any manner if the female member marries or re-marries or the brother attains the age of 21 years, after the death of the employee and before receiving his share of the Ex-Gratia Grant.
- (4) Where the Ex-Gratia Grant is granted under the Scheme to a minor member of family of the deceased employee, it shall be payable to the legal guardian on behalf of the minor(s) as indicated below:-
  - (a) Payment of the minor(s) share Ex-Gratia Grant shall be made to the natural guardian, of the minor(s) and in the absence of a natural guardian, to the person who furnished a guardianship certificate issued by the competent authority.
  - (b) Payment of Ex-Gratia Grant to the extent of Rs. 5000.00 or first Rs. 5000.00 where the amount payable exceeds Rs. 5000.00 in favour of a minor shall be made to his/her guardian in the absence of the natural guardian, without the production of formal guardianship certificate but subject to the production of the indemnity Bond (Form No.

3) subscribed by suitable sureties to the satisfaction of the competent authority. The balance in excess of Rs. 5000.00, if any, shall be payable on the production of a certificate of guardianship.

- (c) It is essential that there shall be prima facie ground for making payment as in Clause (b) above, to the person claiming it. Such ground can exist only when he has shown by a sworn declaration to be a *de facto* guardian and his bonafide have been established. Even if a guardian has not been appointed by the competent Court, if the minor and his/her property are in the custody of some person, such person is in a court of Law, a *de facto* guardian. The authorities making the payment should, therefore, require the person who comes forward to claim payment on behalf of the minor(s) to satisfy them by an affidavit that he is in charge of the property other than the Ex-Gratia Grant, the minor(s) is/are in his legal custody and care. The affidavit so to be produced in addition to the Indemnity Bond with suitable sureties.
- (d) The Indemnity Bond which is to be required to be produced by a *de facto* guardian of the minor(s) for payment of Ex-Gratia Grant to the extent of Rs. 5,000.00 shall be properly executed. The Stamp duty required for the purpose shall be borne by the claimant concerned.

12. **Sanctioning Authority:** -The Ex-Gratia Grant or such other claims under the Scheme shall be sanctioned by the Secretary of the Governing Body with the concurrence of the President, Governing Body of the College. It shall be incumbent upon the said sanctioning authority that the relevant Paras and Procedures in this regard have been duly adhered to.

13. **Nomination:-**

- (1) An employee shall on his initial confirmation or on completion of three years qualifying service, shall make a nomination in the prescribed form (Form 4 or Form 4A) conferring on one or more persons the right to receive the Ex-Gratia Grant admissible under these rules:-

Provided that if at the time of nomination:

- (i) The employee has a family, the nomination shall not be in favour of any person(s) other than the members of his family; or
  - (ii) The employee has no family, the nomination may be made in favour of a person or persons or a body of individuals whether incorporated or not.
- (2) If an employee nominates more than one person under sub-Para (1), *ibid*, he shall specify in the nomination the amount of share payable to each of such nominees in such a manner to cover the entire amount of the Ex-Gratia Grant.
  - (3) An Employee may provide in the nomination:-
    - (i) That in respect of any specified nominee who predeceased the employee, or who dies after the death of the employee but before receiving the payment of the Ex-Gratia Grant, the right conferred on that nominee shall pass to other person or persons as may be specified in the nomination.

Provided that if at the time of making the nomination, the employee has a family consisting more than one member, the person(s) so specified shall not be a person other than a member of his family.

Provided further that where an employee has only one member of his family, and nomination has been made in his favour, it is open to the employee to nominate alternate nominee or nominees in favour of any person(s) or a body of individual whether incorporated or not:

- (ii) That the nomination shall become invalid in the event of the happening of the contingency provided for therein.
- (4) The nomination made by an employee who has no family at the time of making it, or the nomination made by an employee under the Second Provision to Clause (i) of sub Para (3) where he has only one member of his family becomes invalid in the event of the employee subsequently acquiring a family, or an additional member in his family, as the case may be.
- (5) An employee at any time, cancel the nomination by sending a notice in writing to the competent authority.

Provided that he shall, along with such notice submit a fresh nomination in accordance with the provisions of these rules.

- (6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under Clause (i) of Sub-Para (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of Clause (ii) of that subparagraph, the employee shall send to the competent authority a notice in writing cancelling the nomination together with fresh nomination made in accordance with this paragraph.
- (7) Every nomination made and every notice of cancellation given by an employee shall, to the extent that it is valid, take effect from the date on which it is received by the competent authority.

#### 14. **Constitution and custody of the Fund:-**

- (1) There shall be established a Fund to be called the Shillong Law College Employees 'Welfare Fund' into which shall be credited all receipts and from which all payment shall be made for the purpose of this Scheme.
- (2) The receipts to the Fund shall be made up of
  - (i) The corpus contribution by the College Governing Body or such contributions as may be made from time to time.
  - (ii) Contributions/subscriptions as may be specified by the competent authority made by the employees.
  - (iii) Special levy for the purpose on the students, as may be specified by the competent authority from time to time.

- (iv) Any contribution or donation by the public or any authority, institution, body or endowments.
- (3) The Fund shall vest with the College Governing Body and shall be deposited into account to be opened with any Nationalized Bank or partly in one such Bank and partly in another Bank subject to the approval of the Governing Body. The Fund shall be managed by the Committee” entitled as the “Shillong Law College Employees Welfare Scheme Management Committee” consisting of:-
- |  |   |          |
|--|---|----------|
| (i) President of the Governing Body  | - | Chairman |
| (ii) One member to be nominated by the Governing Body from amongst itself. | - | Member   |
| (iii) Secretary of the Governing Body                                      | - | Member   |
| (iv) One member to be nominated by the College teachers                    | - |          |
| (v) Principal/Vice Principal   | - | Convener |
- (4) The Committee shall plan how best the money lying in excess or the actual requirements may, with the approval of the Governing Body, be invested in Government or other Gild-edged securities or such Investment Fund.
- (5) The Secretary of the Governing Body shall operate the Bank(s) account(s). He shall, therefore, maintain for the purpose appropriate books of account and relevant records and registers including the Cash Book and Cheque. All Investment Certificates and Securities in connection with the Fund shall be under the personal custody of the Secretary.
- (6) The accounts of the Fund shall be audited periodically by the Auditor(s) appointed by the Governing Body for the purpose. And the audited accounts including the Audit Report shall be placed before the Governing Body for consideration and approval thereof.
15. **Interpretation:-**Where any doubt arises as to the interpretation of these paragraphs, it shall be referred to the Governing Body whose decision shall be final.
16. **Removal of hardship and relaxation:-**Where the Governing Body is satisfied that the operation of any of the provisions of the Scheme causes undue hardship in any particular case, the Governing Body by order, for reasons to be recorded in writing, dispense with or relax the requirement of any of the paragraphs to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

Sd/-  
President  
Governing Body

Sd/-  
Secretary  
Governing Body