

ANDHRA PRADESH ADVOCATES WELFARE FUND RULES, 1989

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ANDHRA PRADESH ADVOCATES WELFARE FUND RULES, 1989

In the exercise of the powers conferred by sub section (1) of Section 26 of the Andhra Pradesh Advocates Welfare Fund Act, 1987 (Act No. 33 of 1987), the Governor of Andhra Pradesh hereby makes the following rules;

CHAPTER 1 CHAPTER

1. . :-

(1) These rules may be called the Andhra Pradesh Advocates Welfare Fund Rules 1989.

(2) These rules shall be deemed to have come into force with effect on and from the 20th February, 1989.

2. . :-

In these rules, unless the context otherwise requires, 197

(a) Act means the Andhra Pradesh Advocates Welfare Fund Act, 1987 (Act No. 33 of 1987);

(b) Committee means the Committee established under sub section (1) of Section 4 of the Act;

(c) Death Benefit means the grant to be given by the Committee from and out of the Fund in the event of the death of an Advocate;

(d) Applicant means an advocate or any other person applying to the Committee for Financial Assistance under these rules;

(e) Indigent Advocate means an advocate who is unable to maintain himself and his family and whose annual income from all known sources does not exceed Rs. 12,000 ;

(f) Disabled Advocate means an Advocate who by reason of any physical or mental or other infirmity is unable to practice for a continuous period of three months and whose annual income from all known sources does not exceed Rs.12,000.

CHAPTER 2

Recognition and Registration of the Bar Associations

3. . :-

Every application for recognition and registration of the Bar Association under Section 13 of the Act shall be made in Form No 1 to the Bar Council of Andhra Pradesh

4. . :-

The Bar Council shall after following the procedure prescribed by them and holding such enquiry as they deem fit issue a Certificate of Recognition and Registration of the Bar Association in Form No 2

5. . :-

Every Advocate who is member of a Bar Association recognised by the Bar Council shall apply to the Committee for admission as a member of the Fund in Form No 3 by paying the fee as provided in sub section (3) of Section 15 of the Act

CHAPTER 3

Procedure relating to Printing and Custody of Stamps

6. . :-

The Andhra Pradesh Advocates Welfare Fund Stamps shall be printed by the Government in the Andhra Pradesh Government Printing Press or any other presses to be specified by them from time to time having regard to the security in printing and custody

of stamps until they are distributed

7. . :-

The rules for printing, custody, distribution and sale of judicial non judicial stamps as contained in the Andhra Pradesh State Manual would MI mutatis mutandis D apply to the printing, custody, distribution and sale of Andhra Pradesh Advocate s Welfare Fund Stamp except that the printing and distribution of the stamps shall be done by the Director of Printing, Andhra Pradesh, Hyderabad and all indents for supply of the stamps shall be made to him

8. . :-

Every licenced Stamps vendor intending to purchase the stamps shall pay the cost of such stamps through a challan by crediting the amount to the following Head of Account:

"0030 Stamps and Registration Fees 01 Stamps Judicial MH, 102 Sale of Stamps SH (02) Sale of Andhra Pradesh Advocates Welfare Fund Stamps"

9. . :-

The stamp vender shall be entitled on the sale of stamps a commission at the rate as he is entitled for the sale of a single judicial stamp of the value of Rs 3 The commission paid to the stamp vendor shall be exhibited under the following Head of Account:

"2030 stamps and Registration Fees 01 stamps judicial 103 Sale of stamps SH (02) Sale of Andhra Pradesh Advocates Welfare Fund Stamp"

10. . :-

The net proceeds of receipts under Rules 8 and 9 shall be finalised by the Accountant General at the end of each financial year and intimate the same to Government in the Finance and Planning (Finance wing) Department The amount so intimated by the Accountant General after deducting the cost of printing and supply of stamps shall be credited to the account of the Fund after due appropriation by the Legislative Assembly of the State in the budget

CHAPTER 4

Manner of Election of Members to the Committee under Section 4 (3) (q) of the Act

11. . :-

The members of the Committee shall be elected in a meeting of the

Bar Council by including the business of election in the Agenda of its meeting

12. . :-

The members from each region as specified in Clause (g) of sub section (3) of Section 4 shall be elected by the members of the Bar Council by secret ballot and the election shall be conducted in the following manner:

(a) Every candidate for election as a member of the Committee shall be proposed by one of the members of the Bar Council and seconded by another Any member whose name has been proposed may decline to stand for election;

(b) If only three candidates alone are proposed, the Chairman shall declare them duly elected as members of the Committee;

(c) If there are more number of candidates contesting then the election will be conducted by secret ballot;

(d) Voting papers bearing the names of the contesting candidates will be handed over by the Chairman to the members of the Bar Council of the purpose of enabling them to exercise their franchise;

(e) A voter shall place on voting paper the figure X in the space opposite the name of any candidate for whom he desires to vote He shall not place such a mark against more names than the number of members to be elected;

(f) The question as to whether or not the voting paper is valid or invalid, the decision of the Chairman will be final;

(g) A voting paper shall be invalid in which the figure X is set opposite to the names of more than three candidates, or is so placed he has to render its doubtful to which candidate it is intended to apply, or there is any other mark or writing by which the voter can be identified;

(h) The members of the Bar Council after making the necessary entry in the voting paper given to them, shall place the same in the settled box which will be kept ready for the purpose

(i) After recording of votes is completed, the Chairman shall open the box in which ballot papers are deposited and count the votes secured by each candidate in the presence of all the candidates in the election He shall then declare the candidates who have secured

maximum number of votes as duly elected as members of the Committee;

(j) In the case of equality of votes the results shall be decided by casting lots on the spot

13. . :-

The rules relating to convening and holding of the meetings in respect of the meetings of the Bar Council shall apply to meeting for the election of members under these rules

CHAPTER 5

Powers of the Committee

14. . :-

The Committee shall exercise all such power relating to executive and administrative functions of the Committee; and such power may include:

- (a) to administer, manage and invest the fund of the Committee;
- (b) to receive any voluntary donation or contribution made to the Fund by the Bar council of India, any Bar Association, or any other Association or institution, any advocate or any other person;
- (c) to receive any grant made by the Central Government or the State Government to the Fund;
- (d) to borrow any sum under Section 10;
- (e) to receive any interest or dividends or other return on any investment made of any part of the Fund;
- (f) to give Financial aid to indigent or disabled Advocates;
- (g) to give Retirement Benefit as provided in the Schedule to the Act;
- (h) to prescribe books of Account, registers, other books and forms to be maintained by the Committee;
- (i) to appoint Chartered Accountant for the audit of accounts and to fix his remuneration;
- (j) to examine the annual audit report and place it with its opinion before the Bar Council;
- (k) to provide for annual inspection of the office;

(l) to prepare and place before the Bar Council, annual administration report and statement of account on or after the 31st December of each year and thereafter forward the same to the Government both in the Law Department and the Finance Planning Department;

(m) to authorise the Secretary to meet all incidental expenses and for providing for imprest money and the like;

(n) to nominate a Treasurer under Clause (g) of sub section (3) of Section 4 of the Act;

(o) to allocate funds for different heads of expenditure under these rules for each financial year;

(p) to quantify,

(i) The Death Benefit to the surviving member or members of the family of the deceased Advocate;

(ii) The grant to the indigent and disabled Advocate;

(q) to decide the person or persons to whom the Death Benefit should be given;

(r) to call for the information and details as may be necessary from the concerned Bar Association and the members of the family of the deceased Advocate;

(s) to make necessary enquiries, if required, before taking decision under these Rules;

(t) to provide financial or other assistance to any advocate affected on account of any natural or unforeseen circumstances;

(u) to formulate and implement any further or other scheme or schemes for the benefit of Advocates

15. . :-

The Committee shall have power to appoint such staff as may be necessary to carry out the functions of the Committee from time to time and prescribe their qualifications and fixing their remuneration from time to time

15A. . :-

The rules relating to the staff of the Bar Council shall apply to the staff of the Andhra Pradesh Advocates Welfare Fund Committee]

CHAPTER 6
Death Benefit

16. . :-

In the event of death of an Advocate who is a member of the Fund, his family shall be eligible for the grant of Death Benefit to be specified by the Committee from time to time

17. . :-

Every application for the grant of Death Benefit shall be preferred in Form No 5 as early as possible after the death of the Advocate but not later than six months of such death, by any dependent of the said Advocate, to the Committee along with the Death Certificate and the recommendation of the Bar Association of the Court or the place where the deceased Advocate ordinarily practised prior to his death

18. . :-

On receipt of an application for Death Benefit the Committee shall consider the same together with the recommendation of the Bar Association and any further information obtained in this regard and thereupon grant the death benefit

19. . :-

Every member shall sign a declaration in Form 4 specifying his nominee or nominees in the case of his death A member shall be at liberty to change of his nominee or nominees in which case, the fund becomes payable only to the last of the nominees and a receipt by such nominee or nominees shall be a complete discharge of all liabilities in respect of the Fund

20. . :-

If a member nominates more than one person, he must, specify in the declaration form, the proportion in which the amount payable shall be distributed among them

21. . :-

In the case of death without nomination, the fund becomes payable to his legal heirs

22. . :-

No member shall be entitled to assign or encumber the fund before it becomes payable

23. . :-

The computation period for purpose of sub section (4) of Sec 16 of

the Act shall be confined to 30 years even if the standing of Advocate is more than 30 years

23A. . :-

Any member of the fund who retires and later opts for readmission to the fund shall not be entitled for Death Benefit]

CHAPTER 7

Financial Assistance to Indigent and Disabled Advocates

24. . :-

In the event of an Advocate who is a member of the Fund temporarily becomes indigent or disabled, he shall be eligible for the grant of financial assistance to be specified by the Committee from time to time

25. . :-

Every application for the financial assistance by a Disabled or Indigent Advocate shall be preferred in Form No 6 accompanied by a Medical Certificate together with the recommendation of the Bar Association of the Court of the place where the concerned Advocate is ordinarily practising

26. . :-

The Committee shall grant to the Indigent or Disabled Advocates such amount as it considers fit depending upon the age of the Advocate Standing at the Bar, the number of dependents in the family, the nature of treatment if any required and the funds available with the Committee and any other factor that may be brought to the notice of the Committee The grant may be either in instalments or in lumpsum

27. . :-

The grant of the financial assistance to an indigent and or disabled Advocate shall be sanctioned for one year in the first instance and may be paid by lumpsum or on a monthly basis to the Advocate concerned directly or by an account payee cheque or draft in favour of the Advocate concerned as per his instructions In case of necessity such sanction may be renewed after expiry of the year for which the sanction was already granted: Provided that the financial grant to the Advocate shall cease as soon as the Advocate concerned ceases to be indigent or the disability on the ground of which financial assistance was allowed ceases to exist

28. . :-

Where the Committee gives the financial assistance and subsequently, finds that the evidence adduced by the applicant for the grant was false, the Committee may call upon the applicant to refund the entire amount given as assistance with such interest as it may deem fit and the applicant shall comply with such direction

29. . :-

(a) Every appeal preferred under Section 21 of the Act shall be in Form No 7

(b) The Bar Council shall have power to condone the delay in preferring the appeal beyond 30 days for sufficient reasons .

CHAPTER 8

Financial Rules

30. . :-

Any money received on behalf of the Committee shall be acknowledge by a receipt signed by the Secretary or any other person authorised by the Committee in this behalf All amounts received shall be credited into the account of the Committee which shall be in any Scheduled Bank on the next working day of the Bank

31. . :-

Expenditure of Rs 500 and above shall ordinarily be made by cheque.

32. . :-

Bills presented for payment shall be examined by the Secretary, and on his being satisfied that the claim is admissible, and the payment is duly authorised, he shall pay the amount after obtaining a receipt The entry in the Account Book shall show if the payment is by cash or by cheque.

33. . :-

The Accountant shall maintain an acquittance register The disbursements shall be made in the presence of the Secretary, who shall attest the payment in the acquittance register The Accountant shall submit the acquittance roll along with the salary cheque of the staff of the Committee on the last working day of the month for which the salary is drawn and obtain the Chairman s signature in token of sanction.

34. . :-

All monies received and spent shall immediately be brought to account in a day book and ledger The cash Book shall be balanced at the close of every month and signed by the Secretary and the Accountant.

35. . :-

The Chairman shall have authority to sanction expenditure of a contingent nature not exceeding Rs 5,000 which shall be placed before the committee for ratification at its next meeting He shall be the authority to sanction T A Bills of the members Any capital expenditure shall not be incurred without the previous sanction of the Committee.

36. . :-

The accounts of the Committee shall be audited once a year by a Chartered Accountant appointed by the Committee.

37. . :-

The statement of Income and Expenditure of the year so audited, shall be laid before the Committee not later than the 30th June of each year and thereafter before the Bar Council.

38. . :-

Budget estimates of Income and Expenditure for the coming year shall be made by the Committee and laid before the Bar Council for approval before 31st of March every year.

CHAPTER 9

Powers of Secretary

39. The powers of Secretary shall be :-

- (a) To carry out the orders of the Chairman and of the Committee;
- (b) To maintain discipline and intergity among the members of the staff;
- (c) To conduct the official correspondence;
- (d) To be responsible for proper and upto date maintaining of all books of accounts and registers directed to be maintained by the Committee from time to time;
- (e) To grant certified copies of any proceedings of the Committee or any document or record, deposition or order on payment of such fee as applicable for obtaining copies of the Bar Council;
- (f) To be the custodian of records, Registers, Accounts, Furniture,

and the common seal and such other property as the Committee might acquire from time to time;

(g) To issue a certificate of Recognition and Registration of Bar Association under Section 13 of the Act