THE TELANGANA ADVOCATES' CLERKS WELFARE FUND RULES, 1992.

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THE TELANGANA ADVOCATES' CLERKS'WELFARE FUND RULES, 1992.[1]

[G.O.Ms.No.280, Law, 1stOctober, 1992.]

In exercise of the powers conferred by sub-section (1) of section 24 of the Telangana Advocates'Clerks' Welfare Fund Act, 1992 (Act No.13 of 1992), the Governor of Telangana hereby makes the following rules.

RULES

CHAPTER – I

1. These rules may be called the [2]Telangana Advocates' Clerks' Welfare Fund Rules, 1992.

2. In these rules, unless the context otherwise requires,-

(a)**'Act'** means the Telangana Advocates' Clerks'Welfare Fund Act, 1992 ;

(b)**'Applicant'** means an advocate clerk or any other person applying to the committee for financial assistance under these rules ;

1. The Andhra Pradesh Advocates' Clerks' Welfare Fund Rules, 1992. The said Rules in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016 issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

2. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

(c) **'Committee'** means the committee established under sub-section (1) of section 4 of the Act ;

(d)**'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 Advocates Clerk ;

(e) **'Indigent Advocate Clerk'** means an advocates clerk who is unable to maintain himself and his family and whose annual income from all known sources dies not exceed Rs.6,000/- ;

(f)**'Disabled advocate's clerk'** means an Advocates clerk who by reason of any physical or mental or other infirmity is unable to work for a continuous period of three months and whose annual income from all known sources does not exceed Rs.6.000/-.

CHAPTER - II

RECOGNITION AND REGISTRATION OF THE ADVOCATES' CLERKS' ASSOCIATION

3. Every application for recognition and registration of the Advocates’ Clerks’ association under section 13 of the act shall be made in

4. The Committee 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 Advocates’ Clerks’ Association in

Form No. 2.

5. (1) Every Advocate Clerk who is a member of Advocates' Clerks' Association recognized by the

Committee 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 16 of the Act.

(2) Every member who retires shall intimate that fact as required under sub-section (9) of section 15 of the Act failing which five percent of the retirement benefits in case the failure does not exceeds a period of one year and where the failure exceeds one year ten percent of the retirement benefits shall be reduced.

CHAPTER - III
PROCEDURE RELATING TO PRINTING AND CUSTODY OF STAMPS

3[6.The Advocates shall deposit the amount in lieu of Welfare Fund Stamps in the on line account of the"Telangana Advocates' and their Clerks' Welfare Fund" either in State Bank of Hyderabad, State Bank of India or Andhra bank".]

4[7.The operation of the on line accounts of the State Bank of Hyderabad, State Bank of India and Andhra Bank will be only at the Branches, where the Savings Bank Accounts of Telangana Advocates' and their Clerks' Welfare Fund are opened.]

3. Substituted by G.O.Ms.No.46, Law (C) Department, dated 11.04.2008.

4. Substituted by G.O.Ms.No.46, Law (C) Department, dated 11.04.2008.

5[8. [xxx]

9. [xxx]

10. [xxx]]

CHAPTER - IV
RECOGNISED ADVOCATES' CLERKS'

11. Any Clerk who is registered in the manner prescribed in any circular issued by the High Court as authorised Advocates' Clerk in the High Court and any clerk who is recognized as Advocates' Clerk by any District Judge and any clerk who is a recognised clerk under the rules regarding pleader's Clerk in moffusil civil and criminal courts shall be a recognised clerk for the Purposes of the6[Telangana Advocates' Clerks' Welfare Fund Act, 1992].

CHAPTER – V
POWERS OF THE COMMITTEE

12. The Committee shall exercise all such powers relating to executive and administrative functions

and such powers, 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 Telangana, any Bar Association, any other

5. Rules 8, 9 and 10 deleted by G.O.Ms.No.46, Law (C) Department, dated 11.04.2008.

6. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

Associations 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' Clerks' ;

(g) to give Retirement Benefit as Provided in section 16 (1) of 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 provide for annual inspection of the office ;

(k) to prepare annual administration report and statement of account on or after the 31st December of each year and forward the same to the Government both in the Law Department and the Finance and Planning (Finance Wing) Department ;

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

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

(n) to quantify :-

(i) the Death Benefit to the surviving member or members of the family of the deceased Advocates'Clerk ;

(ii) the grant to the indigent and disabled Advocates' Clerk ;

(o) to decide the Person or Persons to whom the"Death Benefit" should be given ;

(p) to call for the information and details as may be necessary from the concerned Advocates' Clerks'Association and the members of the family of the deceased Advocates' Clerk ;

(q) to make necessary enquiries, if required before taking decision under these rules ;

(r) to provide financial or other assistance to any Advocates' Clerk affected an account of any natural or unforeseen circumstance ;

(s) to formulate and implement any further or other scheme or schemes for the benefit of Advocate's Clerks.

13. The Chairman shall have Power to,-

(a) 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; and

(b) nominate under section 4 (3) (f) of the Act three members, as far as possible, one each from the three regions of the State7[xxx].

8[13-A. The rules relating to the staff of Bar Council of Telangana shall apply to the staff of the Telangana Advocates' Clerks' Welfare Fund Committee.]

CHAPTER - VI
DEATH BENEFIT

14. In the event of death of an Advocates' Clerk who is a member of the Fund, his 9[nominee] shall be eligible for the grant of 'Death Benefit' to be specified by the committee from time to time.

15. Every application for the grant of “Death Benefit” shall be preferred in

Form No. 5 as early as possible after the death of Advocates' Clerk but not later than six months of such death, by any [10][nominee/nominees] of the Advocates' Clerk to the Committee along with the Death Certificate and the recommendation of the Advocates' Clerks'Association of the Court or the place where the deceased Advocates' Clerk ordinarily worked prior to his death:

7. Omitted by G.O.Ms.No.241, Law Department, dated 29.11.1996.

8. Added by G.O.Ms.No.178, Law (C) Department, dated 18.10.1995.

9. Substituted by G.O.Ms.No.113, Law Department, dated 13.09.2003.

10. Substituted by G.O.Ms.No.113, Law Department, dated 13.09.2003.

[11][Provided that the committee may condone the delay in preferring sufficient reasons.]

application for good and

16. On receipt of an application for "Death Benefit"the committee shall consider the same together with the recommendation of the Advocates' Clerks'Association and any further information obtained in this regard and thereupon grant the death benefit.

17. 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 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 completed discharge of all liabilities in respect of the Fund.

18. 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.

19. In the case of death without nomination, the fund becomes payable to his[12][dependants].

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

21. The computation period for purpose of sub-section (4) of section 16 of the Act shall be confined

11. Added by G.O.Ms.No.113, Law Department, dated 13.09.2003.

12. Substituted by G.O.Ms.No.113, Law Department, dated 13.09.2003.

to 30 years on production of years service issued by the Registrar or District Judge, as the case may be, even if the service of the Advocates' Clerk is more than 30 years.

22. Any member of the fund who retires and later opts for re-admission to the fund shall not be entitled for Death Benefit.

CHAPTER - VII
FINANCIAL ASSISTANCE TO INDIGENT AND DISABLED ADVOCATES' CLERKS'

23. In the event of an Advocates' Clerk, who is 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.

24. Every application for the financial assistance by a disabled or indigent Advocates' Clerk shall be preferred in

Form No. 6 accompanied by a Medical Certificate together with the recommendation of the Advocates' Clerks' Association of the place where the concerned Advocates' Clerk is ordinarily working.

25. The Committee shall grant to the indigent or disabled Advocates' Clerk such an amount as it considers fit, depending upon the age of the Advocates' Clerk seniority, the number of dependants 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 installments or in lumpsum.

10 [The Telangana Advocates' Clerks' Welfare Fund Rules, 1992.]

26. The grant of the financial assistance to an indigent and/or disabled Advocates' Clerk shall be sanctioned for one year in the first instance and may be paid by lumpsum or on a monthly basis to the Advocates' Clerk concerned directly or by an account payee cheque or draft in favor of the Advocates'Clerk concerned as per his instructions.

27. 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.

CHAPTER - VIII
FINANCIAL RULES

28. Any money received on behalf of the Committee shall be acknowledged by a receipt signed by the secretary or any other person authorized 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.

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

30. 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 be shown if the payment is by cash or by cheque.

[The Telangana Advocates' Clerks' Welfare Fund Rules, 1989.] 11

31. 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 Treasurer's signature in token of sanction.

32. 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.

33. (1) The Chairman shall have authority to sanction an expenditure of a contingent nature not exceeding Rs. 5000 which shall be placed before the Committee for ratification at its next meeting. He shall be the authority competent to sanction T.A. bills of the members. Any capital expenditure shall not be incurred without the previous sanction of the Committee.

(2) Every member of the Committee attending a meeting of the Committee shall be entitled to a travelling allowance equivalent to second class rail fare to and fro or bus fare to and fro and a sum of rupees fifty per day as daily allowance for each day of stay at Hyderabad.

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

35. 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.

36. Budget estimates of income and expenditure for the coming year shall be made by the Committee before the 31st March of every year.

CHAPTER - IX
POWERS OF THE SECRETARY

37. The powers of Secretary shall be :-

(a) to carry out the orders of the Chairman and of the Committee ;

(b) to maintain discipline and integrity among the members of the staff ;

(c) to conduct the official correspondence ;

(d) to be responsible for proper and up to date maintenance of a Register of members of the fund and all books of account and

registers directed to be maintained by 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 Committee ;

(f) to be custodian of records, registers, accounts, furniture and the common seal and such other property as the Committee might acquire from time to time ;

[The Telangana Advocates' Clerks' Welfare Fund Rules, 1989.] 13

(g) to issue a certificate of Recognition and Registration of Advocates' Clerks' Association under section 13 of the Act.

14 [The Telangana Advocates' Clerks' Welfare Fund Rules, 1992.]

FORM NO. 1

(See rule 3)

TELANGANA ADVOCATES' CLERKS' WELFARE FUND ACT, 1992.

Application under section 13 of the Telangana Advocates' Clerks' Welfare Fund Act, 1992.

To

The Secretary,
Telangana Advocates' Clerks'
Welfare Fund Committee,
High Court Premises,
Hyderabad-500 066.

Sir,

I am to inform you that the Advocates' Clerks'Association of ..... is registered/ not registered under the Societies Registration Act, 1860 or the Telangana Public Societies Registration Act, 1350F. I am furnishing herewith the details for recognition and registration of this Association of this Association under section 13 of the Telangana Advocates' Clerks' Welfare Fund Act, 1992, in pursuance of your Notification:

1. Name of the Association :
2. Address of the Association with Telephone Number, if any :
3. Names of the office bearers with their addresses :

4. Names of the Members of the Association with their (a) addresses ; (b) Age ; (c) Date of joining ; and (d) Place of working (separate sheet can be enclosed). :
5. Bye-Law or rules enclosed/Not enclosed). :
6. Other particulars, if any :

Place: Signature of the President/

Date : Secretary, Advocates' Clerks' Association.

16 [The Telangana Advocates' Clerks' Welfare Fund Rules, 1992.]

FORM NO. 2

(See rule 4)

TELANGANA ADVOCATES' CLERKS' WELFARE FUND ACT, 1992.

CERTIFICATE OF RECOGNITION AND REGISTRATION.

Regn.No.

This is to certify that ....Advocates' Clerks' Association at ..... (Place) is recognised and registered as Advocates' Clerks'Association by the Welfare Fund Committee under section 13 of the Telangana Advocates' Clerks'Welfare Fund Act, 1992 for Purposes of the said Act.

Hyderabad. Secretary,
Date: Telangana Advocates' Clerks'
Welfare Fund Committee.

FORM NO. 3

(See rule 5.)

TELANGANA ADVOCATES' CLERKS' WELFARE FUND ACT, 1992.

Application under section 15 of the Telangana Advocates' Clerks' Welfare Fund Act, 1992.

To

The Secretary,
The Telangana Advocates' Clerks'
Welfare Fund Committee,
High Court Premises,
Hyderabad-500 066.

Sir,

I am regularly working as an Advocates' Clerk under Shri…… Advocate.

I declare as follows:

(a) I am an Advocates' Clerk ordinarily working at.

(b) I am not an undischarged insolvent.

(c) I have never been convicted by any court for an offence involving moral turpitude.

or

A Period of two years has elapsed since my release after being convicted of an offence involving moral turpitude (in case of conviction particulars of such conviction should be given).

(d) I am not in full time service or business or any such part time business or other avocation.

(e) I am a member of the ……Advocates' Clerks' Association which is registered and recognised by the Committee (vide registration No ……).

13[(ee) I am herewith enclosing a certificate of the Advocates' Clerks' Association stating that I am a member of the said Association.

(eee) I am herewith enclosing a certificate from the Advocate stating that I am working under him.]

(f) I am herewith enclosing DD for Rs. 50 towards admission fees and also another DD for 14[Rs.500 towards life subscription].

15[(g) I am aged about ..... Years, my date of birth being .....(a copy of the certificate is to be enclosed).]

I verify that the contents of the declaration are true to my knowledge.

13. Inserted by G.O.Ms.No.113, Law Department, dated 13.09.2003.

14. Substituted by G.O.Ms.No.113, Law Department, dated 13.09.2003.

15. Added by G.O.Ms.No.113, Law Department, dated 13.09.2003.

I request that I may be admitted as member of the Telangana Advocates' Clerks' Welfare Fund.

Place:

Date : Signature of the Applicant

Admitted/Rejected

Affix passport photograph nominee/nominees

FORM NO.- 4

(See rule 17.)

TELANGANA ADVOCATES' CLERKS' WELFARE FUND ACT, 1992.

Form under sub-section (6) of section 15. Form of Nomination

I hereby declare that the members of my family/person or persons so long as I have no family/and direct that the amount payable to me from the Telangana Advocates' Clerks' Welfare Fund at the time of my death shall be paid or distributed to those mentioned below in the manner shown against their names:

Name (s) of the nominee or nominees	Relationship with the subscriber	Age of the nominee	Amount and share to be paid
(1)	(2)	(3)	(4)

Place: Signature of the Date : Advocates' Clerk

Two witnesses to the Signature

1.

2.

Note :-

1. On the death of any one nominee or nominees, a fresh declaration and nomination form shall have to be filed with the least possible delay.

2. If the Member subsequently acquires a family he shall file a fresh declaration and nomination form.

3. Affix passport size photograph of the nominee/nominees at the top of the Form.

FORM NO. 5

(See rule 15.)

TELANGANA ADVOCATES' CLERKS' WELFARE FUND ACT, 1992.

Application Form for the Grant of 'Death Benefit'.

1. Name and address of the Applicant :
2. Date and Place of death of the Advocates' Clerk :
3. The relationship of the Applicant to the deceased Advocates' Clerk :
4. The name and permanent address of the deceased Advocates' Clerk :
5. The Period, the deceased Advocates' Clerk had worked :
6. Place or Places where the deceased Advocates' Clerk had actually worked :
7. Whether the deceased Advocates' Clerk was member of the Telangana Advocates' Clerks' Welfare Fund :

8. The number of members in the family depending upon the deceased Advocates' Clerk and their respective relationship to the said Advocates' Clerk :
9. Furnish the names, ages, Profession income and addresses :
10. Average yearly income of the Advocates' Clerk at the time of his death :
11. Sources of other income of the applicant and the extent

thereof :

12. Whether the deceased Advocates' Clerk had or the applicant has any movable or immovable property, State the particulars thereof and the value thereof and any income derivable therefrom :

13. Whether the deceased Advocates' Clerk had any Bank Account, if so, state the particulars thereof with the balance on the date of his death :

14. whether the deceased Advocates' Clerk had insured his life, if so, state the particulars of the insurance policy and the sum assured :

15. Any other particulars and information that the applicant desires to furnish :

I declare that the facts mentioned herein above are true and correct.

Place:

Date: Signature of the Applicant.

Enclosures required :

1. Death Certificate.
2. Recommendation of the Advocates' Clerks' Association.

Note: Affix a passport size photograph of the nominee/nominees at the top of the application.

FORM NO. 6

(See rule 24.)

TELANGANA ADVOCATES' CLERKS' WELFARE FUND ACT, 1992.

Application Form for the grant of financial assistance to the Disabled/Indigent Advocates' Clerks'.

1. Full name of the Applicant/ Advocates' Clerk :
2. Residential Address :
3. Office Address :
4. Name or names of Advocates' with whom the applicant was or has been working :
5. Reasons for seeking financial assistance :
6. Extent of financial assistance required :
7. Average monthly income of the applicant :
8. Sources of other income of the Applicant, if any :
9. Whether the Applicant has applied for or received aid previously from the Fund, and if so, when, nature and duration of :

10. Whether the Applicant has any moveable or immovable property? State the particulars and the value thereof and state particulars of any encumbrances thereof :
11. Whether the applicant has any Bank Account, if so, state the particulars :
12. Whether the applicant has any

cash or investments, state the particulars, if any :

13. Whether any complaint of misconduct is pending against the applicant, if so, state the particulars thereof :

14. Whether the applicant is a member of the Telangana Advocates' Clerks' Welfare Fund (Give Particulars) :

(i) The particulars furnished and the statements made herein above are true to the best of my knowledge information and belief.

(ii) I agree and undertake to inform the Committee if any change of circumstances or conditions, during the period of the aid.

(iii) I agree and undertake to supply to the Committee any particulars and information in connection with this application or the aid as may be

required from time to time by the Committee or the Secretary of the Committee.

This the day of 19 .

Place : Signature of the Applicant.

Note:

(a) In case of disability, a medical certificate to the satisfaction of the Committee shall be furnished along with the recommendation of the concerned Advocates' Clerks' Association.

(b) In the event of the applicant being unable to sign, the application may be signed by any other Advocates' Clerk or the adult member of the family of the applicant.

(c) In case of indigency, two certificates by Advocates of not less than 15 years standing, certifying of their own knowledge the indigent circumstances of the applicant shall also be produced. Certifying Advocates must not be related to the applicant. The recommendation of the concerned Advocates' Clerks' Association shall also be enclosed.

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