THE TELANGANA ADVOCATES' WELFARE FUND RULES, 1989.

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THE TELANGANA ADVOCATES' WELFARE FUND RULES, 1989.[1]

[G.O.Ms.No.45, Law, 30thMarch, 1989]

In exercise of the powers conferred by sub-section (1) of section 26 of the Telangana Advocates'Welfare Fund Act, 1987 (Act No. 33 of 1987). The Governor of Telangana hereby makes the following rules.

RULES

CHAPTER – I

1. (1) These rules may be called the [2]Telangana 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,-

(a)**'Act'** means the Telangana Advocates' Welfare Fund Act, 1987 (Act 33 of 1987);

1. The Andhra Pradesh Advocates' Welfare Fund Rules, 1989. 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.

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

(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 practise for a continuous period of three months and whose annual income from all known sources does not exceed Rs. 12,000/-.

CHAPTER - II
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

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 [3][sub-section 5(a) of section 15 of the Act].

CHAPTER - III

[4][Procedure relating to depositing of amount in On Line Account]

[5][6.The Advocates shall deposit the amount in lieu of Welfare Fund Stamp 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 in Andhra Bank.

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.]

[6][8. [xxx]

9. [xxx]

10. [xxx]]

3. Substituted by G.O.Ms.No.130, Law (C) Department, dated 18.10.2005.

4. Substituted by G.O.Ms.No.86, Law (C) Department, dated 01.06.2006.

5. Substituted by G.O.Ms.No.86, Law (C) Department, dated 01.06.2006.

6. Rules 8, 9 and 10 omitted by G.O.Ms.No.86, Law (C) Department, dated 01.06.2006.

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

CHAPTER - IV

MANNER OF ELECTION OF MEMBERS TO THE COMMITTEE UNDER SEC. 4 (3) (q) OF THE ACT

11. The members of the Committee shall be elected in a meeting of the Bar Council by duly 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 above are proposed, the Chairman shall declare them duly elected as members of the Committee;

(c) If there are more number of candidates contesting than three, 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 for 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

[The Telangana Advocates' Welfare Fund Rules, 1989.] 5

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 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 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 a meeting for the election of members under these rules.

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

CHAPTER - V
POWERS OF THE COMMITTEE

14. The Committee shall exercise all such powers relating to executive and administrative functions of the Committee; 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 India, any Bar Association,

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 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.

7[15. The Executive Committee of the Bar Council shall have power to appoint such staff as may be necessary to carryout the functions of the Committee from time to time, in view of amalgamation of all Wings of the Bar Council. The remuneration to such staff shall be paid from the Funds of the Telangana Advocates Welfare Fund.]

8[15A. The rules relating to the staff of the Bar Council shall apply to the staff of the Telangana Advocates' Welfare Fund Committee.]

CHAPTER - VI
DEATH BENEFIT

16. In the event of death of an Advocate who is a member of the Fund, his9[nominee] shall be eligible

7. Substituted by G.O.Ms.No.32, Law (C) Department, dated 01.04.2010.

8. Inserted by G.O.Ms.No.27, Law Department, dated 03.02.1992.

9. Substituted by G.O.Ms.No.112, Law Department, dated 13.09.2003.

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 any10[nominee/nominees] 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 practiced prior to his death:

11[Provided that the Committee may condone the delay in preferring application for good and sufficient reasons.]

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 there upon 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.

10. Substituted by G.O.Ms.No.112, Law Department, dated 13.09.2003.

11. Added by G.O.Ms.No.112, Law Department, dated 13.09.2003.

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

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 his12[dependants]

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 section 16 of the Act shall be confined to 30 years even if the standing of Advocate is more than 30 years.

13[23-A. 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

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

12. Substituted by G.O.Ms.No.112, Law Department, dated 13.09.2003.

13. Inserted by G.O.Ms.No.220, Law Department, dated 22.07.1991.

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 [14][not more than once in a calendar year].

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. [15][The grant shall be in lumpsum, subject to a maximum amount, as fixed by the Welfare Fund Committee from time to time, during the members'life time].

[16][27. [XXX]]

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.

[17][29. [XXX]]

14. Added by G.O.Ms.No.130, Law (C) Department, dated 18.10.2005.

15. Substituted by G.O.Ms.No.130, Law (C) Department, dated 18.10.2005.

16. Omitted by G.O.Ms.No.130, Law (C) Department, dated 18.10.2005.

17. Omitted by G.O.Ms.No.130, Law (C) Department, dated 18.10.2005.

CHAPTER - VIII
FINANCIAL RULES

30. Any money received on behalf of the Committee shall be acknowledge by 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 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.

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

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 the 31st of March every year.

CHAPTER - IX
POWERS OF THE 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 integrity among the members of the staff;

(c) To conduct the official correspondence;

(d) To be responsible for proper and upto date maintaining of all book of account and registers

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

directed to be maintained by the Committee from time to time;

(e) To grant certified copies of any proceedings of the Committee any documents 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.

FORM NO. 1

(See rule 3.)

TELANGANA ADVOCATES' WELFARE FUND ACT, 1987

Application under section 13 of the Telangana Advocates' Welfare Fund Act, 1987

To
The Secretary,
The Bar Council of Telangana,
High Court Premises,
Hyderabad-500 066.

Sir,

I am to inform you that the Bar Association of..... is registered/ not registered under the Societies Registration Act. I am here below furnishing the details for recognition and registration of this Bar Association under section 13 of the Telangana Advocates'Welfare Fund Act, 1987, 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	:

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

4.	Names of the Members of the Association with their (a) addresses (b) Age (c) Date of Enrolment, and (d) Place of Practise (Separate sheet can be enclosed).	:
5.	Bye-Laws or rules Enclosed/Not enclosed).	:
6.	Other particulars, if any	:

Place: Signature of the President/

Date : Secretary, Bar Association.

FORM NO. - 2

(See rule 4.)

TELANGANA ADVOCATES' WELFARE FUND ACT, 1987

Certificate of Recognition and Registration

Regn.No.

This is to certify that ....Bar Association at .... (Place) is recognised and registered as a Bar Association by the Bar Council of Telangana under section 13 of the Telangana Advocates' Welfare Fund Act, 1987, for purposes of the said Act.

Hyderabad.

Date:

Secretary,

Bar Council of Telangana.

FORM NO.- 3

(See rule 5.)

TELANGANA ADVOCATES' WELFARE FUND ACT, 1987

Application under section 15 of the Telangana Advocates' Welfare Fund Act, 1987

To

The Secretary,

The Telangana Advocates' Welfare Fund Committee,

Bar Council of Telangana,

High Court Premises,

Hyderabad-500 066.

Sir,

I am regularly practising as an Advocate within the jurisdiction of your Bar Council.

I declare as follows:

(a) I am an Advocate ordinarily practising at.....

(b) I am not an undischarged insolvent.

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

[The Telangana Advocates' Welfare Fund Rules, 1989.] 19

(d) I am not in full time service or business or any such part time business or other avocation as is not permitted in the case of practicing Advocates by the rules of the Bar Council.

(e) I have not been suspended from the practice and.

(f) I am a member of the ……Bar Association which is registered and recognised by the Bar Council of Telangana (Vide Registration No …… ……). [18][I am herewith enclosing a certificate of the Bar Association stating that I am a member of the Bar Association.]

(g) I am herewith enclosing DD for Rs. 100/- toward admission fees.

[19][(h) Whether suffering from any ailment.

(i) I am aged ..... Years, my date of birth being .....

(j) I am enrolled as an advocate on ..... and my State Roll No. in T.S. .....]

[20][(k) I have paid the application fees to the Advocate' Welfare Fund of the Bar Council of India for the State of Telangana upto the period ending 31-3-…….]

18. Added by G.O.Ms.No.27, Law Department, dated 03.02.1992.

19. Inserted by G.O.Ms.No.220, Law Department, dated 22.07.1991.

20. Added by G.O.Ms.No.27, Law Department, dated 03.02.1992.

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

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

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

Place: Signature
Date : Date of Enrolment
Address.

Admitted/Rejected

FORM NO.- 4

(See rule 19.)

TELANGANA ADVOCATES' WELFARE FUND ACT, 1987

Form under sub-section (8) of section 15 Form of Nomination

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

(1)	(2)	(3)	(4)
Name and Address of Nominee or Nominees	Relationship with the Nominee	Age of the subscriber	Amount of share to be paid

Place: Signature of the Advocate
Date :

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.

21[3. Affix a Passport size photograph of the nominee/nominees at the top of the Form.]

21. Added by G.O.Ms.No.27, Law Department, dated 03.02.1992.

FORM NO.- 5

(See rule 17.)

TELANGANA ADVOCATES' WELFARE FUND ACT, 1987

Application Form for the Grant of 'Death Benefit'

1. Name and address of the Applicant :
2. The relationship of the Applicant to the deceased Advocate :
3. The name and permanent address of the deceased Advocate :
4. The date of enrolment of the Deceased Advocate or State Roll No. :
5. Place or Places where the Deceased Advocate had actually practised. :
6. Whether the Deceased Advocate was a member of the T.S. A.W. Fund :
7. The number of members in the family depending upon the deceased Advocate and their respective relationship to the said Advocate; Furnish the names, ages, profession and addresses :

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

8. Average year income of the Advocate at the time of his death :
9. Sources of other income of the applicant and the extent thereof :
10. Whether the deceased Advocate had or the applicant has any movable or immovable property, State the particulars

thereof and the value thereof and any income derivable therefrom :

11. Whether the deceased Advocate had any Bank Account, if so, state the particulars thereof with the cash balance on the date of his death :

12. whether the deceased Advocate had insured his life, if so , state the particulars of the insurance policy and the sum assured :

13. 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.

[The Telangana Advocates' Welfare Fund Rules, 1989.] 25

Enclosures required :

1. Death Certificate.
2. Recommendation of the Bar Association.

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

22. Added by G.O.Ms.No.27, Law Department, dated 03.02.1992.

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

FORM NO.– 6

(See rule 25.)

TELANGANA ADVOCATES' WELFARE FUND ACT, 1987

Application Form for the Grant of Financial Assistance to the Indigent/Disabled Advocates

1. Full name of the Applicant/ Advocate :
2. Residential Address :
3. Office or Chamber Address :
4. Date of Enrolment and state Roll

No. :

5. Court or Courts in which the Applicant was or has been practicing :

6. Reasons for seeking financial assistance :

7. Extent of financial assistance required :

8. Avearage monthly professional income of the Applicant :

9. Sources of other income of the Applicant, if any :

10. Whether the Applicant has applied for or received aid previously from the Fund, and if so, when, nature and duration of :

11. Whether the Applicant has any moveable or immovable property? State the particulars thereof and the value thereof and state particulars of any encumbrances thereof :

12. Whether the Applicant has any Bank A/c. if so, state the particulars :

13. Whether the Applicant has any cash or investments: state the particulars, if any :

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

15. Whether the applicant is a member of the Telangana Advocates Welfare Fund (Give particulars) :

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

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

(ii) I agree and undertake to inform the Bar Council, 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 the application or the aid as may be required from time to time by the Council or the Committee or the Secretary of the Council:

This 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 Bar Association.

(b) In the event of the Applicant being unable to sign, the application may be signed by any other Advocate 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 Advocate must not be related to the Applicant. The recommendation of the concerned Bar Association shall also be enclosed.

[The Telangana Advocates' Welfare Fund Rules, 1989.] 29

23[XXX]

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23. Form No.7 omitted by G.O.Ms.No.130, Law (C) Department, dated 18.10.2005.