THE TELANGANA ADVOCATES' WELFARE FUND ACT, 1987.

(ACT NO. 33 OF 1987)

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THE TELANGANA ADVOCATES' WELFARE FUND ACT, 1987.[1]

ACT No. 33 OF 1987.

1. (1) This Act may be called the [2]Telangana Advocates' Welfare Fund Act, 1987. Short title, extent and commencement.

(2) It extends to the whole of the State of [2]Telangana.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,- Definitions.

(a) "advocate" means a person whose name has been entered in the State roll of Advocates prepared and maintained by the Bar Council of Andhra Pradesh under section 17 of the Advocates' Act, 1961 and who is practising as an advocate in the State of Andhra Pradesh; Central Act 25 of 1961.

(b) "Bar Association" means an Association of advocates recognised by the Bar Council under section 13;

(c) "Bar Council" means the Bar Council of Andhra Pradesh constituted under section 3 of the Advocates' Act, 1961; Central Act 25 of 1961.

1. The Andhra Pradesh Advocates' Welfare Fund Act, 1987 received the assent of the President on the 23rd July, 1987. The said Act 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.

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(d) "cessation of practice" means removal of the name of an advocate from the State roll maintained by the Bar Council on account of his retirement or on death or on grounds of professional misconduct;

(e) "dependent" means wife, husband, father, mother [3][and children or legal heirs];

(f) "Fund" means the Andhra Pradesh Advocates' Welfare Fund constituted under section 3;

(g) "Government" means the State Government;

(h) "member of the fund" means an advocate admitted to the benefit of the fund and continuing to be a member thereof under the provisions of this Act;

(i) "notification" means a notification published in the [4]Telangana Gazette, and the word "notified" shall be construed accordingly;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "retirement" means stoppage of practice as an advocate for reasons other than joining service or for carrying on any other gainful occupation, communicated to, and recorded by the Bar Council;

(l) "Stamp" means the Andhra Pradesh Welfare Fund Stamp issued by the Government under section 12;

3. Substituted by Act No.4 of 2003.

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

(m) "suspension of practice" means voluntary suspension of practice as an advocate or suspension by the Bar Council for misconduct;

(n) "Welfare Fund Committee" means the Committee established under section 4;

(o) "Vakalat" means a Vakalatnama, memorandum of appearance or by any other document by which an advocate or any other legal practitioner is empowered to appear and plead before any court, tribunal, authority or person.

Advocates' Welfare Fund.

3. (1) With effect on and from the commencement of this Act the Government shall, by notification constitute a fund to be called the Andhra Pradesh Advocates' Welfare Fund.

(2) There shall be credited to the Fund-

(a) all amounts paid under section 12;

(b) any contribution made by the Bar Council;

(c) 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;

(d) any grant made by the Central Government or the State Government to the Fund;

(e) any sum borrowed under section 10;

(f) any profit or dividend received from the Life Insurance Corporation of India in respect of policies of group insurance of the members of the Fund;

(g) any interest or dividend or other return on any investment made of any part of the Fund;

(h) all sums collected under section 15 by way of application fees and annual subscriptions and interest thereon.

(3) The sums specified in sub-section (2) shall be paid to or collected by, such agencies, at such intervals and in such manner, and the accounts of the Fund shall be maintained in such manner, as may be prescribed.

Establishment of Welfare Fund Committee.

4. (1) The Government may, by notification, establish with effect on and from such date as may be specified therein, a Committee to be called the Andhra Pradesh Advocates' Welfare Fund Committee.

(2) The Committee shall be a body corporate having perpetual succession and common seal with power to acquire, hold and dispose of property and shall, by the said name, sue and be sued.

(3) The Committee shall consist of-

(a) The Chairman of the Bar Council who shall be the Chairman of the Welfare Fund Committee, ex-officio;

(b) the Advocate-General of Andhra Pradesh, ex-officio;

(c) the Secretary to Government, Law and Legislative Affairs, ex-officio;

(d) the Secretary to Government, Law (Courts), ex-officio;

(e) the Secretary to Government, Revenue Department, ex-officio;

(f) the Registrar, High Court of Andhra Pradesh, ex-officio;

5[(g) three members nominated by the Bar Council from amongst its members, as far as possible one each from the regions of Coastal Andhra, Telangana and Rayalaseema of whom one shall be nominated by the Committee as the Treasurer of the Fund.]

(h) the Secretary to the Bar Council who shall be Secretary, ex-officio of the Welfare Fund Committee without voting rights:

6[Provided that the Secretary shall be paid such sum as honorarium from the Advocates' Welfare Fund as the Committee may determine from time to time, for the services rendered by him.]

(4) A member elected from the Bar Council under clause (g) of sub-section (3) shall hold office for a term of five years or for the duration of his membership in the Bar Council, whichever is less.

Disqualifications and removal of elected members of Welfare Committee.

5. A member elected under clause (g) of sub-section (3) of section 4 shall be disqualified to be a member of the Committee, and cease to be such member, if he-

(a) becomes of unsound mind;

(b) is adjudged insolvent;

5. Substituted by Act No.19 of 1990.
6. Proviso added by Act No.15 of 1998.

(c) is absent without leave of the Committee for more than three consecutive meetings of the Committee;

(d) is a defaulter to the Fund (in case he is a member of the Fund) or has committed breach of trust; or

(e) is convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set aside.

Resignation by elected member of the Committee and filling up of casual vacancies.

6. (1) Any member elected under clause (g) of sub-section (3) of section 4 may resign his office by giving three months notice in writing to the Chairman of the Welfare Fund Committee and on such resignation being accepted by the said Chairman, he shall be deemed to have vacated his office;

(2) Any casual vacancy in the office of a member referred to in sub-section (1) shall be filled up, as soon as may be, and a member so elected to fill such vacancy shall hold office for the residue of the term of his predecessor.

Act of Committee not to be invalidated by defect, etc.

7. No act done or proceeding taken under this Act or the rules made thereunder by the Committee shall be invalidated merely by reasons of -

(a) any vacancy or defect in the constitution of the committee; or

(b) any defect or irregularity in the election of any person as a member thereof;

(c) any defect or irregularity in such act or proceeding not affecting the merits of the case.

Vesting and application of Fund.

8. The Fund shall vest in and be held and applied by the Committee subject to the provisions, and for the purposes of this Act.

Function of the Committee.

9. (1) It shall be the duty of the Committee to administer the Fund.

(2) In the administration of the Fund, the committee shall, subject to the provisions of this Act and the rule, made thereunder -

(a) hold the amounts and assets belonging to the Fund;

(b) receive applications for admission or re-admission to the Fund, and dispose of such applications within ninety days from the date of receipt thereof;

(c) receive applications from the members of the Fund, their nominees or 7[dependent] as the case may be, for payment out of the Fund, conduct such enquiry as it deems necessary, for the disposal of such applications, and dispose of the applications within five months from the date of receipt thereof;

(d) record in the minutes books of the committee its decisions on the application;

(e) pay to the applicants amounts at the rates specified in the Schedule;

(f) maintain such accounts and books and send such periodicals and annual reports to the Government and the Bar Council, as may be prescribed;

7. Substituted by Act No.4 of 2003.

(g) communicate to the applicants 8[under certificate of posting] the decisions of the committee in respect of applications for admission or re-admission to the Fund or claims to the benefit of the Fund;

(h) do such other acts as are or may be, required to be done under this Act and the rules made thereunder.

Borrowing and investment of Funds.

10. (1) The committee may, with the prior approval of the Bar Council, borrow from time to time, any sum required for carrying out the purpose of this Act.

forming part of the Fund in Nationalised Banks.]

(3) All amounts due and payable under this Act and all expenditure relating to the management and administration of the Fund shall be paid out of the Fund.

(4) The accounts and books maintained by the 8[Welfare Fund Committee] shall be audited annually by a Chartered Accountant appointed by 8[the said Committee].

(5) The accounts, as, certified by the auditor, together with the audit report thereon, shall be forwarded to the Bar Council by the committee and the Bar Council may issue such directions as it deems fit to the committee in respect thereof.

(6) The committee shall comply with the directions issued by the Bar Council under sub-section (5).

8. Substituted by Act No.19 of 1990.
9. Substituted by Act No.1 of 2006.

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11. The Secretary of the committee shall-

Power and duties of Secretary.

(a) be the Chief Executive authority of the committee and responsible for carrying out its decisions;

(b) represent the committee in all suits and proceedings for and against the committee;

(c) authenticate by his signature all decisions and instructions of the committee;

(d) operate the bank accounts of the committee jointly with the Treasurer;

(e) convene meetings of the committee and prepare its minutes;

(f) attend the meetings of the committee with all the necessary records and information;

(g) maintain such forms, registers and other records as may be prescribed, from time to time, and do all correspondence relating to the committee;

(h) prepare an annual statement of business transacted by the committee during each financial year; and

(i) do such other acts as may be directed by the committee and the Bar Council.

10[12. (1) There shall be printed or cause to be printed by the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh Hyderabad, in such manner as may be prescribed a combined stamp superscribed in Andhra Pradesh Advocates' and their Clerks' Welfare Fund Stamp. language as "Nyayavadula mariyu vari Gumasthala

Printing, Custody and Distribution of the Telugu

10. Substituted by Act No.23 of 2011.

10 [Act No. 33 of 1987]

Samkshema Nidhi" each of the value of 11[hundred] rupees through Government Security Printing Press, on an indent placed by the Andhra

Pradesh Advocates' Welfare Fund Committee in such form as may be prescribed.

(2) Every Vakalat/Memo of Appearance filed before any Court, Authority, Tribunal, Forum or Commission including every Vakalat/Memo of Appearance filed by all the Law Officers appearing for the State and Central Governments and their instrumentalities shall be affixed with the Stamp worth of rupees [11][hundred] and no such Vakalat/Memo of Appearance shall be valid or accepted without such Stamp.

(3) The person or authority receiving a Vakalat with such stamp shall forthwith, effect cancellation of the stamp by punching out the same.

(4) The custody and distribution of stamps shall be with the Andhra Pradesh Advocates' Welfare Fund Committee and sale of the stamps shall be through recognized Bar Associations.]

Apportionment of sale proceeds and the cost of Printing of Stamps.

[12][12A. (1) Notwithstanding anything contained in section 12, out of the sale proceeds of the stamps worth of [11][Rs.100/-], a sum of [11][Rs.86/-] shall be credited to the Andhra Pradesh Advocates' Welfare Fund and [11][Rs.14/-] shall be credited to the Andhra Pradesh Advocates' Clerks Welfare Fund and where such a stamp is affixed to Vakalat/Memo of Appearance, the provisions of sub-section (2) of section 12 shall be deemed to have been complied with.

(2) The cost of the printing of the stamps under sub-section (1) of section 12 shall be apportioned between the

11. Substituted by Act No.7 of 2018.
12. Substituted by Act No.23 of 2011.

Andhra Pradesh Advocates' Welfare Fund constituted under section 3 of the [13][Andhra Pradesh Advocates' Welfare Fund Act, 1987] and the Andhra Pradesh Advocates' Clerks' Welfare Fund constituted under section 3 of the [14][Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992] in such manner as may be prescribed.]

Recognition and Registration of Bar Association.

13. [15][(1) All associations of Advocates known by any name, functioning in any Court Head Quarters may apply to the Bar Council in such form as may be prescribed, for recognition and registration as a Bar Association under this Act:

Provided that only one Bar Association shall be recognised at any Court Headquarters.]

[16][(2) Every application for recognition and registration shall be accompanied by the common bye-laws, framed by the Bar Council from time to time, together with the list containing the names of office bearers as well as members of the Association with their enrollment number, address and age, shall be furnished.]

(3) The Bar Council may, after such enquiry as it deems necessary, recognize the association as a Bar Association and issue a certificate of registration in such form as may be prescribed.

(4) The decision of the Bar, Council regarding the recognition and registration of a Bar Association shall be final.

13. Adapted as Telangana Advocates' Welfare Fund Act, 1987 G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

14. Adapted as Telangana Advocates' Clerks Welfare Fund Act, 1992 G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

15. Substituted by Act No.1 of 2006.

16. Substituted by Act No.23 of 2011.

Duties of Bar Association.

14. (1) Every Bar Association shall, on or before the 15th April of every year, intimate to the Bar Council a list of its members as on the 31st March of that year.

(2) Every Bar Association shall intimate to the Bar Council-

(a) any change of the office-bearers of the association within fifteen days from such change;

(b) any change in the membership including admission and re-admission within thirty days of such change;

(c) the death, retirement or voluntary suspension of practice of any of its members within thirty days from the date of occurrance thereof; and

(d) such other matter as may be required by the Bar Council from time to time.

Membership of the fund.

15. (1) 17[Every Advocate below the age of 18[thirty five years]] practicing in any court in the State and being a member of a Bar Association recognised by the Bar Council may apply to the committee for admission as a member of the Fund, in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the committee shall make such enquiry as it deems fit and either admit the applicant to the Fund or for reasons to be recorded in writing reject the application.

17. Substituted by Act No.15 of 1998.

18. Substituted by Act No.1 of 2006.

Provided that no order rejection an application shall be passed unless the applicant has been given an opportunity of being heard.

(3) 19[xxx]

(4) In the event of rejection of the application, 20[the amount] paid along with the application shall be refunded to the applicant.

21[(5) 20[(a) where an Advocate intends to become the Member of the Fund shall pay an amount of rupees one hundred towards admission fee along with an amount of rupees 22[two thousand] towards the subscription for life-membership and on such payment the membership of the Advocate concerned shall subject to the provisions of sub-section(12) be a life member;]

(b) Where an Advocate has already been admitted as a life-member prior to the commencement of the Andhra Pradesh Advocates' Welfare Fund (Amendment) Act, 1994, he shall be deemed to have been admitted as a member under this section and shall continue to be such member.

(c) 23[xxx]

(d) Where a member ceases to practice he shall not be entitled for the refund of the subscription paid under this sub-section.]

19. Omitted by Act No.4 of 2003.

20. Substituted by Act No.4 of 2003.

21. Sub-sections 5, 5A, 6 & 7 of section 15 substituted with sub-section (5) (a) (b) (c) & (d) by Act No.5 of 1994.
22. Substituted by Act No.1 of 2006.
23. Omitted by Act No.1 of 2006.

(8) Every member shall, at the time of admission to the membership of the Fund make a nomination conferring on one or more [24][nominees] the right to receive the amount which may be due to him from the Fund in the event of his death before the amount has been paid to him.

(9) If a member nominated more than one person under sub-section (8), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may be paid to him.

(10) A member may at any time cancel a nomination by sending a notice in writing to the committee along with a fresh nomination.

(11) Every member who voluntarily suspends practice or retires shall, within three months of such suspension or retirement, intimate that fact to the committee and if any member fails to do so without sufficient reason, the committee may reduce, in accordance with such principles as may be prescribed, the amount due to that member.

[25][(12) Where on receipt of a complaint or otherwise the Committee has reason to believe that any advocate secured admission as a member of the Fund by misrepresentation, fraud or undue influence, it shall be competent for the Committee to remove the name of such Advocate from the membership of the Fund:

Provided that no order under this sub-section shall be passed unless the person likely to be adversely affected has had an opportunity of being heard.]

24. Substituted by Act No.4 of 2003.
25. Inserted by Act No.19 of 1992.

[26][15-A. A Person retired either from Government or Private service on superannuation or on voluntarily retirement or under any scheme and practicing an advocate shall not be admitted to the membership of the Fund.]

Retired person is not eligible for membership.

16. (1) A member of the Fund shall, [27][on cessation of practice or suspension of practice] be entitled to receive from and out of the Fund an amount at the rate specified in

Payment from the fund on cessation or suspension of practice.

the Schedule:

[26][Provided that a member, who completes thirty five years of practice at the Bar and opts for Retirement Benefits, be entitled to receive half of the existing Death Benefit amount towards Retirement Benefit.]

[28][(2) In the event of death of a member, a consolidated amount as determined by the Welfare Fund Committee in the manner prescribed shall be paid to the nominee or, where there is no nominee, to his dependents.]

[29][xxx]

(3) A member of the Fund may opt for retirement benefits at any time after five years of his admission as a member of the Fund, but he shall be eligible for re-admission to the Fund as a new member subject to such conditions as may be prescribed.

Provided that a member suffering from permanent disablement shall be allowed to retire within five years of his admission to the Fund.

26. Substituted by Act No.1 of 2006.

27. Substituted by Act No.15 of 1998 for the words “on cessation of practice” including in the marginal heading.

28. Substituted by Act No.19 of 1990.

29. Explanation omitted by Act No.4 of 2003.

(4) For calculating the period of completed years of practice for the purpose of payment under this Act, every four years of practice at the Bar, if any, before the admission of a member to the Fund shall be computed as one year of practice and added on to the number of years of practice after such admission.

(5) [30][xxx]

(6) An application for payment form the Fund shall be preferred to the committee in such form as may be prescribed.

(7) An application received under sub-section (6), shall be disposed of by the committee after such enquiry as it deems necessary.

Restriction on alienation, attachment etc., of interest of member in Fund.

17. (1) The interest of any member in the Fund, or the right of a member or his nominee [31][or dependents] to receive any amount from the Fund, shall not be assigned, alienated or charged and shall not be liable to attachment under any decree or order of any court, tribunal, financial institutions or other authority.

(2) No creditor shall be entitled to proceed against the Fund or the interest therein of any member or his nominee [31][or dependents].

Explanation.- For the purpose of this section, "creditor" includes the Government or an official assignee or receiver appointed under the Provincial Insolvency Act, 1920 or any other law for the time being in force.

Central Act 5 of 1920.

30. Omitted by Act No.15 of 1998.

31. Substituted by Act No.4 of 2003.

Group Life Insurance for members and other benefits.

18. The Welfare Fund Committee may, for the Welfare of the members of the Fund,-

(a) obtain from the Life Insurance Corporation of India, policies of Group Insurance for the members of the Fund;

(b) provide for a policy of Provident Fund for the members of the Fund;

(c) provide for medical facilities for the members of the Fund and their spouses; and

(d) provide for such other benefits as may be prescribed.

Meetings of the Committee.

19. (1) The Committee shall meet at least once in three months or more often if found necessary to transact business under this Act or the rules made thereunder.

(2) Five members of the Committee shall form the quorum for a meeting of the Committee.

(3) The Chairman or in his absence a member elected by the members present at the meeting shall preside over a meeting of the Committee.

(4) Any matter coming up before a meeting of the Committee shall be decided by a majority of the members present and voting at the meeting and, in the case of an equality of votes, the Chairman or the member presiding over the meeting shall have and exercise a casting vote.

Travelling and daily allowances to members of Committee.

20. The elected members of the Committee shall be eligible to get such travelling allowance and daily allowance as are admissible to the members of the Bar Council.

Review.

32[21. (1) The Committee may suo-motu at any time or on an application received from any person interested within ninety days of the passing of any order under the provisions of this Act, review any such order, if it was passed by them under any mistake, whether of fact or of law or in ignorance of any material fact:

Provided that the Committee shall not pass any order adversely affecting any person unless such person has been given an opportunity of making his representation.

(2) All the appeals pending before the Bar Council on the date of commencement of the Andhra Pradesh Act 10 of 1992. Advocates' Welfare Fund (Amendment) Act, 1992 shall abate.

(3) Where an appeal stands abated under sub-section (2), the appellant shall be entitled to prefer an application before the Committee for review under sub-section (1) within ninety days from the date of commencement of the Andhra Act 10 of 1992. Pradesh Advocates' Welfare Fund (Amendment) Act, 1992.]

Protection of action taken in good faith.

22. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

(2) No suit or other legal proceedings shall lie against the Committee or the Bar Council for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule thereunder.

Bar of jurisdiction of civil courts.

23. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is

32. Substituted by Act No.10 of 1992.

by or under this Act required to be settled, decided or dealt with or to be determined by the Committee or the Bar Council.

Power to summon witnesses and production of

24. The Committee and the Bar Council shall, for the purposes of any enquiry under this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

Central Act 5 of 1908.

(a) enforcing the attendance of any person or examining him on oath;

(b) requiring the discovery and documents;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses.

Power to amend

33[24-A. (1) The Government may, by notification, alter the

Schedule. Schedule.

(2) Where a notification has been issued under sub-section (1), there shall, unless the notification is in the meantime rescinded, be introduced in the Legislature, as soon as may be, but in any case during the next session of the Legislature following the date of the issue of the notification, a Bill on behalf of the Government, to give effect to the alteration of the Schedule specified in the notification, and the notification shall cease to have effect when such Bill becomes law, whether with or without modification, but without prejudice to the validity of anything previously done thereunder:

33. Inserted by Act No.19 of 1990.

20 [Act No. 33 of 1987]

Provided that if the notification under sub-section (1) is issued when the Legislature is in session, such a Bill shall be introduced in the Legislature during that session:

Provided further that where for any reason a Bill as aforesaid does not become law within six months from the date of its introduction in the Legislature the notification shall cease to have effect on the expiration of the said period of six months.

(3) All references made in this Act to the Schedule shall be construed as relating to the Schedule as for the time being amended in exercise of the powers conferred by this section.]

Power of the Bar Council to make rules.

25. The Bar Council may, with the previous approval of the Government, by notification, make rules for the purpose of carrying into effect all or any of the provisions of this Act.

Power to make rules.

26. (1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under the Act, shall immediately after it is made, be laid before the Legislature of the State if it is in session, and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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34[SCHEDULE

(see section 9 and 16)

Sl.No.	Years of Standing	Amount Payable
1.	30	Rs. 90,000
2.	29	Rs. 87,000
3.	28	Rs. 84,000
4.	27	Rs. 81,000
5.	26	Rs. 78,000
6.	25	Rs. 75,000
7.	24	Rs. 72,000

8.	23	Rs. 69,000
9.	22	Rs. 66,000
10.	21	Rs. 63,000
11.	20	Rs. 60,000
12.	19	Rs. 57,000
13.	18	Rs. 54,000
14.	17	Rs. 51,000
15.	16	Rs. 48,000
16.	15	Rs. 45,000
17.	14	Rs. 42,000
18.	13	Rs. 39,000
19.	12	Rs. 36,000
20.	11	Rs. 33,000
21.	10	Rs. 30,000
22.	9	Rs. 27,000
23.	8	Rs. 24,000
24.	7	Rs. 21,000
25.	6	Rs. 18,000
26.	5	Rs. 15,000

* * *

34. Substituted by Act No.1 of 2006.