

# Andhra Pradesh Advocates' Welfare Fund Act, 1987

ANDHRA PRADESH

India

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### Act 33 of 1987

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1. [Amended by Andhra Pradesh Advocates Welfare Fund and The Andhra Pradesh Clerks Welfare Fund Acts (Amendment) Act, 1992 (Act 19 of 1992) on 30 September 1992]

Andhra Pradesh Advocates' Welfare Fund Act, 1987(Act 33 of 1987)Last Updated 26th October, 2019Statement of Objects and Reasons. - The Bar Council of the State of Andhra Pradesh had represented originally in 1975 and later in 1985 for the formulation of some welfare schemes for the Advocates of the State of Andhra Pradesh. Previously, it was proposed to enact a legislation for the purpose of constituting a welfare fund for the promotion of welfare of the Advocates in the State but it was deferred. The State of Kerala had already enacted the Kerala Advocates' Welfare Fund Act, 1980 (Act 21 of 1980) and the State of Karnataka is also having a proposal in this regard. The Advocates of this State have been continuously demanding for the constitution of a welfare fund for their benefit. It is, therefore, proposed to constitute a welfare fund for the payment of retirement benefits to Advocates in the State. This Bill is intended to give effect to the above proposal. Statement of Objects and Reason - Amending Act 10 of 1992. - Section 21 of the Andhra Pradesh Advocates' Welfare Fund Act, 1987 provides for appeal against a decision of the Advocates' Welfare Fund Committee to the Bar Council is an ex-officio member of the Advocates' Welfare Fund Committee, and therefore it is felt that an appeal on a decision of the Committee to the Bar Council may not be appropriate. It is, therefore, proposed to dispense with an appeal as aforesaid and instead it has been decided to confer power on the Advocates' Welfare Fund Committee to review its own orders passed under any mistake whether of fact or of law or in ignorance of any material fact. It is also decided to declare all the applications pending before the Bar Council on the date of commencement of the Act shall abate and they are entitled to prefer an application before the Committee for review within ninety days. Append to L.A. Bill No. 4 of 1992. This Bill seeks to give effect to the above decisions. Statement of Objects and Reason - Amending Act 19 of 1992. - Under Section 12 of the Andhra Pradesh Advocates' Welfare Fund Act, 1987, an Advocate Welfare Fund Stamp of the value of Rs. 6/- has to be affixed on every vakalat. Recently, the Andhra Pradesh Advocates' Clerks' Welfare Fund Act has also been passed and under Section 12 thereto, Advocates' Clerks' Welfare Fund Stamp of the value of Rs. 2/- has to be affixed on every vakalat. In order to reduce the cost of printing and also for the purpose of facility it has been decided to print a Combined Stamp of the

value of Rs. 8/- for both the Welfare Funds superscribing as "Nyayavadula Mariyu Gumasthala Samkshema Nidhi" and to amend the Andhra Pradesh Advocates' Welfare Fund Act, 1987 and the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 suitably for the purpose. Further, the Chairman of the Bar Council who is an ex-officio Chairman of the Advocates' Welfare Fund Committee has suggested to amend the provisions of the Andhra Pradesh Advocates' Welfare Fund Act, 1987, so as to empower the Advocates' Welfare Fund Committee to remove from the membership of the Fund the name of any Advocate who has been admitted as member of the Fund by misrepresentation or by fraud or by using undue influence after giving a reasonable opportunity of being heard. The suggestions of the Chairman of the Bar Council has been examined and the Government have decided to amend the Act suitably. It has also been decided to make a similar provision in the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 also, to empower the Committee to remove the name of any Advocates' Clerk who is admitted as a member of the Fund by misrepresentation or by fraud or by undue influence, so as to have uniformity of Law. This Bill seeks to give effect to the above decision. (L.A. Bill No. 20 of 1992).

**Statement of Objects and Reason - Amending Act No. 15 of 1998.** - With a view to undertaking certain welfare measures to the Advocates and their Clerks' in the State of Andhra Pradesh, two Acts have been enacted. They are the Andhra Pradesh Advocates' Welfare Fund Act, 1987 and the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992. 2. The Bar Council of Andhra Pradesh which administers the two Acts referred to above has suggested certain amendments to both the Acts. The Secretary of the Advocates' Clerks' Welfare Fund Committee is being paid some honorarium, whereas the Secretary of the Advocates' Welfare Fund Committee is not being paid such honorarium. Therefore it has suggested an amendment to the Advocates' Welfare Fund Act, 1987 for payment of honorarium to the Secretary, Andhra Pradesh Advocates' Welfare Fund Committee. 3. The Bar Council has also suggested to make suitable amendments to both Acts for enhancing the value of the Andhra Pradesh Advocates and Advocates' Clerks' Welfare- Fund stamp from rupees eight to rupees twelve so as to credit rupees two to the Advocates' Clerks' Welfare Fund and rupees ten to the Advocates' Welfare Fund as there are large number of Advocates in the State. It is also suggested to prohibit the enrolment of Advocates to the Welfare Fund who are aged more than 65 years. It has also suggested to prohibit the retired servants of the Central Government, State Government and of Corporations who are drawing pension and practising as Advocates from being enrolled to the Fund. 4. The Bar Council has also suggested to entitle the Advocates who are enrolled to the fund to receive certain sum not only on the cessation of practice, but also on suspension of practice. The proposals have been examined and it is decided to amend both the Acts suitably. 5. This bill seeks to give effect to the above decision. Appended to L.A. Bill No. 10 of 1998.

**Statement of Objects and Reason - Amending Act 5 of 2000.** - Under sub-section (2) of Section 12 of the Andhra Pradesh Advocates' Welfare Fund Act, 1987 every vakalat filed before any Court, Authority, Tribunal or person shall be affixed with a Stamp of the value of Rs. 12/- and no Vakalat shall be valid or accepted by the Court, Authority, Tribunal or person without such stamp. A similar provision exists in sub-section (2) of Section 12 of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992. The Bar Council of the State of Andhra Pradesh has represented that the Law Officers appointed by the State Government also have to affix such stamp on the Valakats filed by them which is not being done causing loss to the Andhra Pradesh Advocates' Welfare Fund and the Andhra Pradesh Advocates' Clerks' Welfare Fund. Hence, they have represented to provide for a lump sum grant by the Government to the said funds to compensate the loss caused by non-affixing of stamps on their vakalats by the Law Officers

appointed by the Government. They have also requested to make suitable amendments to the Acts and also requested for further amendment of the Schedule of the Andhra Pradesh Advocates' Welfare Fund to enhance the retirement benefit from Rs. 1,000/- to Rs. 2,000/- per year of practice. The Government after careful examination of the proposal have decided to amend the Andhra Pradesh Advocates' Welfare Fund Act, 1987 and the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 suitably to exempt the Law Officers appointed by the Government from affixing stamps on the Vakalats filed by them and to provide for an annual grant by the State Government to the Funds in lieu of the same and also to amend the schedule of A.P. Advocates' Welfare Fund Act 33 of 1987 enhancing the retirement benefit for the member Advocates from Rs. 1,000/- to Rs. 2,000/- per year of practice. This Bill seeks to give effect to the above decision. Appended to L.A. Bill No. 10 of 2000. Statement of Objects and Reason - Amending Act 21 of 2001. - According to sub-section (1) of Section 12 of the Andhra Pradesh Advocates' Welfare Fund Act, 1987, there shall be printed or cause to be printed by the Government in such form and in such manner as may be prescribed by rules, stamps and under sub-section (4) of Section 12 of the said Act, the custody of the stamps printed, shall be with the - Government and the supply and sale of stamps shall be effected in such manner as may be prescribed. According to sub-section (1) of Section 12 of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992, there shall be printed or cause to be printed by the Government in such form and in such manner as may be prescribed by rules, stamps and under sub-section (4) of Section 12 of the said Act, the custody of the stamps printed shall be with the Government and supply and sale of stamps shall be effected in such manner as may be prescribed. While conducting audit in the Law Department, the audit party of Accountant General's Office raised an objection with regard to supply of stamps by referring to Rules 6 and 7 of the Andhra Pradesh Advocates' Welfare Fund Rules, 1989 stating that the printing and distribution of the Andhra Pradesh Advocates' and their Clerks' Welfare Fund 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. However, it was observed that the Law Department was receiving the stocks of the stamps and distributing the stamps and this was contrary to the above provisions in Rules 6 and 7 of the said rules. Further, the said audit party has pointed out that no specific arrangements for security of stamps which sometimes run into lakhs of rupees of worth will be available in the Law Department and also no security has been arranged under Article 276 of A.P.F.C. Vol. I from the persons incharge of the stamps. In the light of the above observations raised by the audit party of Accountant Generals' Office, after obtaining the orders in circulation, Government have issued orders in G.O.Ms.No. 40, Law, dated 29.2.2000 in which Government have decided to entrust the work relating to the printing, distribution of "Nyayavadula Mariyu Vari Gumasthala Samkshema Nidhi Stamps" to the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad in public interest with immediate effect pending amendments by undertaking Legislation to the relevant Acts by the concerned. The Government after careful examination have decided to amend sub-sections (1) and (4) of Section 12 of the Andhra Pradesh Advocates' Welfare Fund Act, 1987 and sub-sections (1) and (4) of Section 12 of Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 entrusting the work relating to printing, custody and distribution of the Nyayavadula Mariyu Vari Gumasthala Samkshema Nidhi Stamps, to the Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad. This Bill seeks to give effect to the above decision. Appended to L.A. Bill 20 of 2001. Statement of Objects and Reason - Amending Act 4 of 2003. - In order to overcome the

practical difficulty in implementation of the provisions of the Andhra Pradesh Advocates' Welfare Fund Act, 1987 and the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 the Andhra Pradesh Advocates Welfare Committee and the Andhra Pradesh Advocates' Clerks' Welfare Committee has requested to amend the respective Acts suitably. The Salient Features of the Bill are as follows: (1) The definition of 'dependent' in the both the Acts are confined to wife, husband, father, mother and children or legal heirs. (2) In Section 9(2)(c) of both the Acts for the words "legal representative" has been substituted by word "dependent" as a consequential amendment. (3) The combined stamp for Advocates' Welfare Fund and the Advocates' Clerks' Welfare Fund has been enhanced from Rs.12/- to Rs.20/-, out of which a sum of Rs. 15/- shall be credited to the Andhra Pradesh Advocates' Welfare Fund and Rs.5/- shall be credited to the Andhra Pradesh Advocates' Clerks' Welfare Fund by suitably amending the respective provisions of both the Acts. (4) If the Advocate intends to become the member of the Fund, he shall pay an amount of Rs.100/- (Rupees one hundred only) towards admission along with an amount of Rs.1000/- (Rupees one thousand only) towards the subscription of life membership. (5) The consequential amendments to Sections 15(3), 15(4), 15(8), 16 and 17 have been made. (6) In the Clerks' Welfare Committee, three members from the three regions in the State are nominated from the recognised clerks. (7) The aforesaid nominated members will hold office for two years instead of three years. (8) The nominated members can resign their office by giving one month notice instead of three months. (9) The Bank Account of the A.P. Advocates' Clerks' Welfare Fund Committee shall be operated jointly with the Chairman instead of Treasurer. (10) The stamp value has been enhanced from Rs.12/- to Rs.20/- as a consequential amendment by suitably amending Section 12(1) of the Act. (11) The Government may make grants for such sum of money in every financial year by way of compensation in respect of the vakalats filed by the Law Officers appointed by the Government and such grants are apportioned between them. (12) Every recognised clerk of the Advocate below the age of 65 years recognised by the committee shall apply to the committee for admission and he shall pay admission fee of Rs.50/- along with an amount of Rs.500/- towards subscription of life membership. (13) Retired persons from service are not entitled for the membership. (14) Similar to Advocates, the interests of the clerks or their nominees for dependent are protected from attachment and creditors are restricted to proceed against the Fund or interest therein of any member or his or her nominee or dependents. This Bill seeks to give effect to the above decisions. Statement of Objects and Reasons - (Act No. 1 of 2006). - The Secretary, Bar Council of the State of Andhra Pradesh has requested to amend Sections 15(5)(a), 15-A and the Schedule under Sections 9 and 16 of the A. P. Advocates' Welfare Fund Act and to amend Sections 10(2), 13(1), 15(1), 15(5)(c) of the said Act and also to amend Sections 12(1), 12(A) of the said Act in view of the resolutions passed by the Andhra Pradesh Advocates' Welfare Fund Committee at Its meeting held on 5-7-2003, 3-1-2004 & 22-8-2004 respectively. The salient features of the proposed amendments to the A.P. Advocates' Welfare Fund Act are as hereunder: (1) The Secretary, Bar Council of the State of Andhra Pradesh has proposed to amend Section 10(2) of the Act so as to deposit all moneys and receipts of forming part of the Fund in Nationalised Banks instead of a scheduled Bank or to invest the same in any Corporation on the ground that the amount will be in safe custody; (2) To amend Section 12(1) so as to increase stamp value from Rs. 20/- to Rs. 30/- keeping in view of the enhanced benefits from Rs. 1,50,000/- to 2,00,000/-; (3) Consequential amendment to Section 12-A of the Act. so as to review the apportionment between the Advocates' Welfare Fund and Advocates' Clerks' Welfare Fund at Rs. 25/- and Rs. 5/- from the existing Rs. 15/- and Rs. 5/- respectively keeping in view of the more

number of enrolment of Advocates;(4) to amend Section 15(1) of the Act so as to lower the maximum age limit from 65 years to 35 years for the purpose of admitting him as a Member to the Advocate Welfare Fund so that only the Advocate, who are actually practicing should avail the benefit:(5) to amend Section 15(5)(a) of the Act to increase the admission fee from Rs. 1,000/- to Rs. 2,000/- towards the subscription for life Membership.(6) to amend Section 15-A of the Act so as to make a person retiring either on superannuation or on voluntary retirement or under any scheme, ineligible for membership.(7) to amend Section 16(1) of the Act so as to enable a member who completes 35 years of practice at Bar and opts for retirement benefits, be entitled to receive half of the existing Death Benefit amounts towards retirement benefit.(8) to amend the schedule under Sections 9 & 16 of the Act so as to enhance the retirement benefit payable for years of practice from Rs. 2,000/- to Rs. 3,000/-Accordingly, Government have considered the above recommendations of the Secretary, Bar Council of Andhra Pradesh and have decided to amend the said provisions of the Andhra Pradesh Advocates' Welfare Fund Act, 1987 suitably.This Bill seeks to give effect to the above decision.Reserved by the Governor on the 29th April, 1987 for the consideration and assent of the President received the assent of the President on the 23rd July, 1987 and the said assent is hereby first published on the 4th August, 1987 in the Andhra Pradesh Gazette (Extraordinary)An Act to provide for the constitution of a Welfare Fund for the benefit of advocates in the State of Andhra Pradesh and for matters connected therewith or incidental thereto.Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in Thirty-eighth Year of the Republic of India, as follows: -

## 1. Short title, extent and commencement.

(1)This Act may be called the Andhra Pradesh Advocates' Welfare Fund Act, 1987(2)It extends to the whole of State of Andhra Pradesh.(3)It shall come into force on such date[as the Government may, by notification, appoint] [Came into force from 20-2-1989 (Vide G.O.Ms.No. 25 (Law), dated 16.2.1989) ].

## 2. Definitions.

- In this Act, unless the context otherwise requires,(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 (Central Act 25 of 1961) and who is practising as an advocate in the State of Andhra Pradesh;(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);(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 [and children or legal heirs] [Substituted for "and unmarried minor children or such of them as exist" by Act No. 4 of 2003 w.e.f. 1-6-2003, vide G.O. Ms. No. 64, Law (C), dated 19.5.2003.](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 continuing to be a member thereof under the provisions of this Act;(i)"notification" means a

notification published in the Andhra Pradesh 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;(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.

### **3. Advocates' Welfare Fund.**

(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. [\*\*][The Government constitution the A.P. Advocates Welfare Fund w.e.f. 20-2-1989 (vide G.O.Ms.No.26 (Law), dated 16.2.1989.](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.

### **4. Establishment of Welfare Fund Committee.**

(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. [\*\*][A.P. Advocates' Welfare Fund Committee was established, w.e.f. 28-2-1989, G.O.Ms.No.27 (Law) dated 16.2.1989.](2)The Committee shall be a body corporate having perpetual succession and a 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;(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.] [Substituted by Act 19 of 1990, vide A.P. Gazette Part, IV-B (Extraordinary), dated 6.11.1990.](h)the Secretary to the Bar Council who shall be Secretary,

ex-officio of the Welfare Fund Committee without voting rights.[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.][Added by Act No. 15 of 1998, vide A.P. Gazette Part. IV-B (Extraordinary) No. 18, cit. 16-5-1998.](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.

## **5. Disqualification and removal of elected members of Welfare Committee.**

- 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;(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.

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

(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 the 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.

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

- 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.

## **8. Vesting and application of Fund.**

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

## **9. Function of the Committee.**

(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 rules 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 [dependent] [Substituted for the words "legal representatives" by Act No. 4 of 2003, w.e.f. 1-6-2003.] 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;(g)communicate to the applicants [under certificate of posting] [Substituted for "by registered post with acknowledgement due" by Act 19 of 1990.] 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.

## **10. Borrowing and investment of Funds.**

(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.(2)[ The Committee shall deposit all moneys and receipts of forming part of the Fund in Nationalised Banks.] [Substituted by Act No. 1 of 2006, dated 30.12.2005.](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 [Welfare Fund Committee] [Substituted for "Welfare Committee" by Act 19 of 1990.] shall be audited annually by a Chartered Accountant appointed by the [said Committee] [Substituted for "Bar Council" by Ibid.] thereon.(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 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).

## **11. Powers and duties of Secretary.**

- The Secretary of the committee shall (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.

## **12. [ Printing, Custody and Distribution of the Andhra Pradesh Advocates' and their Clerks' Welfare Fund Stamp. [Substituted by Act No. 23 of 2011, dated 27.12.2012.]**



(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 Telugu language as "Nyayavadula mariyu vari Gumasthala Samkshema Nidhi" each of the value of fifty 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 fifty 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.]

## **12A. [ Apportionment of sale proceeds and the cost of Printing of Stamps. [Substituted by Act No. 23 of 2011, dated 27.12.2012.]**

(1) Notwithstanding anything contained in Section 12, out of the sale proceeds of the stamps worth of Rs. 50/-, a sum of Rs. 43/- shall be credited to the Andhra Pradesh Advocates' Welfare Fund and Rs. 7/- 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 Andhra Pradesh Advocates' Welfare Fund constituted under Section 3 of the Andhra Pradesh Advocates' Welfare Fund Act, 1987 and the Andhra Pradesh Advocates' Clerks' Welfare Fund constituted under Section 3 of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 in such manner as may be prescribed.]

## **13. Recognition and Registration of Bar Association.**

- [(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.] [Substituted by Act No. 1 of 2006, dated 30.12.2005.] (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 enrolment number, address and age, shall be furnished.] [Substituted by Act No. 23 of 2011, dated 27.12.2012.] (3) The Bar Council may, after such enquiry as it deems necessary, recognise 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.

## 14. Duties of Bar Association.

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

## 15. Membership of the fund.

(1) [Every advocate below the age of [thirty five years] [Substituted for words "every advocate" by Act No. 15 of 1998, w.e.f. 16-5-1998.] practising 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: Provided that no order rejecting an application shall be passed unless the applicant has been given an opportunity of being heard. (3) [xxx] [Omitted by Act 4 of 2003 w.e.f. 1-6-2003 Earlier it read as "Every applicant shall pay an application fee of one hundred rupees to the account of the committee at the time of admission"] (4) In the event of rejection of the application, [the amount] [Substituted for the words "the admission fee" by Act 4 of 2003 w.e.f. 1-6-2003.] paid long with the application shall be refunded to the applicant. (5) [ (a) [Where an Advocate intends to become the Member of the Fund he shall pay an amount of rupees [two thousand] [Substituted for sub-sections. (5), (5-A), 6 and 7 by Act 5 of 1994.] towards admission fee along with an amount of rupees one 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) [ \*\*\* ] [Omitted by Act No. 1 of 2006, dated 30.12.2005.] (d) Where a member ceases to practice he shall not be entitled for the refund of the subscription paid under this sub-section. ] (8) Every member shall, at the time of admission to the membership of the Fund make a nomination conferring on one or more [nominees] [Substituted for the word "dependents" by Act 4 of 2003, w.e.f. 1-6-2003.] 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. (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.][Inserted.by Act 19 of 1992, w.e.f. 30-9-1992.]

## **15A. [ [Substituted by Act No. 1 of 2006, dated 30.12.2005.]**

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

## **16. Payment from the Fund on cessation [or suspension] [Inserted by Act No. 15 of 1998, w.e.f. 16-5-1998.] practice.**

(1)A member of the Fund shall, [on cessation of practice or suspension of practice] [Substituted by Ibid.], be entitled to receive from and out of the Fund an amount at the rate specified in the Schedule.[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.] [Added by Act No. 1 of 2006, dated 30.12.2005.](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] [Substituted by A.P. Act No. 19 of 1990.].[xxx][[Explanation omitted by Act 4 of 2003 w.e.f. 1-6-2003. Earlier it read as below "Explanation: For the purposes of this sub-section the word "dependant" means any of the following relatives of a deceased member, namely: (i)a widow, a minor legitimate son, and unmarried legitimate daughter or a widowed mother; and (ii) if wholly dependant on the earnings of the member at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm".]](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.(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)[xxx][Omitted by Act No. 15 of 1998.](6)An application for payment from 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.

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

(1)The interest of any member in the Fund, or the right of a member or his nominee [dependants] [substituted for the words "or legal heirs" by act 4 of 2003 w.e.f.1-6-2003.] 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 or [dependents] [Substituted for the words or legal heirs" by Act 4 of 2003 w.e.f. 1-6-2003.].Explanation. - For the purpose of this section, "creditor" includes the Government or an official assignee or receiver appointed under the Provincial Insolvency Act, 1920 (Central Act 5 of 1920) or any other law for the time being in force.

## **18. Group Life Insurance for members and other benefits.**

- 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.

## **19. Meetings of the Committee.**

(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.

## **20. Travelling and daily allowances to members of Committee.**

- 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.[21. Review. - (1) The Committee may suo-moto 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 Advocates' Welfare Fund (Amendment) Act, 1992 (Act 10 of 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 Pradesh Advocates' Welfare Fund (Amendment) Act, 1992 (Act 10 of 1992)] [Substituted by Act 10 of 1992. Published in A.P. Gazette, on 15-4-1992.].

## **22. Protection of action taken in good faith.**

(1) No suit, prosecution or other legal proceedings 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 made thereunder.

## **23. Bar of jurisdiction of Civil Courts.**

- No civil courts shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Committee or the Bar Council.

## **24. Power to summon witnesses and take evidence.**

- 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 (Central Act 5 of 1908) in respect of the following matters, namely: (a) enforcing the attendance of any person or examining him on oath; (b) requiring the discovery and production of documents; (c) receiving evidence on affidavit; (d) issuing commissions for the examination of witnesses. [24A. Powers to amend Schedule. - (1) The Government may, by notification, alter the 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 Legislative Assembly, as soon as may be, but in any case during the next session of the Legislative Assembly 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: Provided that if the notification under sub-section (1) is issued when the Legislative Assembly is in session, such a Bill shall be introduced in the Legislative Assembly 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 Legislative Assembly, 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.]] [New Section 24-A inserted by A.P. Act No. 19 of 1990.]

## **25. Power of the Bar Council to make rules.**

- 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.

## 26. Power to make rules.

(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 Legislative Assembly 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 Legislative Assembly 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.[The Schedule] [Substituted by Act No. 1 of 2006, dated 30.12.2005.](See Section 9 and 16)

### SI.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"