

Andhra Pradesh Advocates' Clerks' Welfare Fund Rules, 1992

ANDHRA PRADESH

India

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Rule

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Andhra Pradesh Advocates' Clerks' Welfare Fund Rules, 1992Published vide G.O. Ms. No. 280, Law, dated 1st October, 1992Last Updated 18th September, 2019 [AP07]In exercise of the powers conferred by sub-section (1) of Section 24 of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 (Act No. 13 of 1992), the Governor of Andhra Pradesh hereby makes the following rules.Rules

Chapter I

1.

These rules may be called the Andhra Pradesh Advocates' Clerks' Welfare Fund Rules, 1992.

2.

In these rules, unless the context otherwise requires,-(a)'Act' means the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992;(b)'Applicant' means an Advocate Clerk or any other person applying to the Committee for financial assistance under these rules;(c)'Committee' means the Committee established under sub-section (1) of Section 4 of the Act;(d)'Death Benefit' means the grant to be given by the Committee from and out of the fund in the event of the death of an Advocate's Clerk;(e)'Indigent Advocate's Clerk' means an Advocate's clerk who is unable to maintain himself and his family and whose annual income from all known sources does not exceed Rs. 6,000/-;(f)'Disabled Advocates' Clerk' means an Advocate Clerk who by reason of any physical or mental or other infirmity is unable to work for a continuous period of three months and whose annual income from all known sources does not exceed Rs. 6,000/,

Chapter II

Recognition and Registration of the Advocates' Clerks' Association

3.

Every application for recognition and registration of the Advocates' Clerks' Association under Section 13 of the Act shall be made in Form No. 1 to the Committee.

4.

The Committee shall after following the procedure prescribed by them and holding such enquiry as they deem fit issue a certificate of Recognition and Registration of the Advocates' Clerks' Association in Form No. 2.

5.

(1) Every Advocate's clerk who is a member of Advocates' Clerks' Association recognised by the Committee shall apply to the Committee for admission as a member of the Fund in Form No. 3 by paying the fee as provided in sub-section (3) of Section 16 of the Act. (2) Every member who retires shall intimate that fact as required under sub-section (9) of Section 15 of the Act failing which five per cent of the retirement benefits in case the failure does not exceed a period of one year and where the failure exceeds one year ten per cent of the retirement benefits shall be reduced.

Chapter III

Procedure relating to Printing and Custody of Stamps

6. [[Substituted by Notification No. G.O.Ms. No. 46, dated 11.4.2008 (w.e.f. 1.10.1992).]

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

7. [[Substituted by Notification No. G.O.Ms. No. 46, dated 11.4.2008 (w.e.f. 1.10.1992).]

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 Andhra Pradesh Advocates' and their Clerks' Welfare Fund are opened.]

8. [[Deleted by Notification No. G.O.Ms. No. 46, dated 11.4.2008 (w.e.f. 1.10.1992).]

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8. Every licensed stamp vendor intending to purchase the stamps shall pay the cost of such stamps through a challan by crediting the amount to the Head of Account to be specified by the Government by order.

9. [[Deleted by Notification No. G.O.Ms. No. 46, dated 11.4.2008 (w.e.f. 1.10.1992).]

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9. The Stamp Vendor shall be entitled on the sale of stamps, a commission at the rate as he is entitled for the sale of a single judicial stamp of the value of Rs. 2/-. The Commission paid to the Stamp Vendor shall be exhibited under the Head of Account to be specified by the Government by order.

10. [[Deleted by Notification No. G.O.Ms. No. 46, dated 11.4.2008 (w.e.f. 1.10.1992).]

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

Chapter IV

Recognised Advocates' Clerks

11.

Any clerk who is registered in the manner prescribed in any circular issued by the High Court as authorised Advocate's Clerk in the High Court and any clerk who is recognised as Advocate's Clerk by any District Judge and any clerk who is a recognised clerk under the rules regarding Pleaders' Clerks in mofussil civil and criminal courts shall be a recognised clerk for the purposes of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992.

Chapter V

Powers of the Committee

12.

The Committee shall exercise all such powers relating to executive and administrative functions and such powers, may include:-(a)to administer, manage and invest the fund of the Committee;(b)to receive any voluntary donation or contribution made to the fund by the Bar Council of Andhra Pradesh, any Bar Association, any other Associations or Institutions, any advocate or any other person;(c)to receive any grant made by the Central Government or the. State Government to the Fund;(d)to borrow any sum under Section 10;(e)to receive any interest or dividends or other return on any investment made of any part of the Fund;(f)to give financial aid to indigent or disabled Advocates' Clerks;(g)to give retirement benefit as provided in Section 16(1) of the Act;(h)to prescribe books of account, registers, other books and forms to be maintained by the Committee;(i)to appoint Chartered Accountant for the audit of accounts and to fix his remuneration;(j)to provide for annual inspection of the office;(k)to prepare annual administration report and statement of account on or after the 31st December of each year and forward the same to the Government both in the Law Department and Finance and Planning (Finance Wing) Department;(l)to authorise the Secretary to meet all incidental expenses and for providing for imprest money and the like;(m)to allocate funds for different heads of expenditure under these rules for each financial year;(n)to quantify: (i)the Death Benefit to the surviving member or members of the family of the deceased Advocates' clerks;(ii)to grant to the indigent and disabled Advocates' Clerks;(o)to decide the person or persons to whom the "Death Benefit" should be given;(p)to call for the information and details as may be necessary from the concerned Advocates' Clerks' Association and the members of the family of the deceased Advocates' clerks;(q)to make necessary enquiries, if required before taking decision under these rules;(r)to provide financial or other assistance to any Advocate's Clerk affected on account of any natural or unforeseen circumstances;(s)to formulate and implement any further or other scheme or schemes for the benefit of Advocates' Clerks.

13.

The Chairman shall have power to,-(a)appoint such staff as may be necessary to carry out the functions of the Committee from time to time and prescribe their qualifications and fixing their remuneration from time to time; and(b)nominate under Section 4(3)(f) of the Act three members, as far as possible, one each from the three regions of the State.[x x x] [The words "in consultation with the President of the A.P. State Advocates' Federation" omitted by 6.O.Ms.No. 241, Law, dated 29.11.1996.]

Chapter VI

Death Benefit

14.

In the event of death of an Advocate's Clerk, who is a member of the Fund, his [nominee] [Substituted for "family" by G.O.Ms.No.113, Lw, dated 13-9-2003, Pub. in A.P. Gazette Extraordinary No. 52, RS to Pt.I, dated 25-9-2003.] shall be eligible for the grant of "Death Benefit" to be specified by the Committee from time to time.

15.

Every application for the grant of "Death Benefit" shall be preferred in Form No. 5 as early as possible after the death of Advocate's Clerk but not later than six months of such death, by any [nominee/nominees] [Substituted for "dependent" by kid.] of the said Advocate's clerk to the Committee along with the Death Certificate and the recommendation of the Advocates' Clerks' Association of the court or the place where the deceased Advocate's Clerk ordinarily worked prior to his death.[Provided that the Committee may condone the delay in preferring application for good and sufficient reasons.] [Added by G.O.Ms.No.113, Lw, dated 13-9-2003, Published in A.P. Gazette Extraordinary No. 52, RS to Part I, dated 25-9-2003.]

16.

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

17.

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

18.

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

19.

In the case of death without nomination, the fund becomes payable to his [dependents]. [Substituted for "legal heirs" by G.O.Ms. No. 113, Law, dated 13.9.2003.]

20.

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

21.

The computation period for purpose of sub-section (4) of Section 16 of the Act shall be confined to 30 years on production of years service issued by the Registrar or District Judge, as the case may be, even if the service of the Advocate's Clerk is more than 30 years.

22.

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

Chapter VII

Financial Assistance to Indigent and Disabled Advocates' ,Clerks

23.

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

24.

Every application for the financial assistance by a disabled or indigent Advocate's Clerk shall be preferred in Form No. 6 accompanied by a MedicalCertificate together with the recommendation of the Advocates' Clerks' Association of the place where the concerned Advocate's Clerk is ordinarily working.

25.

The Committee shall grant to the indigent or disabled Advocate's Clerk such an amount as it considers fit, depending upon the age of the Advocate's Clerk, seniority, the number of dependants in the family, the nature of treatment if any required and the funds available with the Committee and any other factor that may be brought to the notice of the Committee. The grant may be either in instalments or in lump sum.

26.

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

27.

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

Chapter VIII

Financial Rules

28.

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

29.

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

30.

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

31.

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

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

33.

(1)The Chairman shall have authority to sanction an expenditure of a contingent nature not exceeding Rs. 5,000/- which shall be placed before the Committee for ratification at its next meeting. He shall be the authority competent to sanction T.A. Bills of the members. Any capital expenditure shall not be incurred without the previous sanction of the Committee.(2)Every member of the Committee attending a meeting of the Committee shall be entitled to a travelling allowance equivalent to second class rail fare to and fro or bus fare to and fro and a sum of rupees fifty per day as daily allowance for each day of stay at Hyderabad.

34.

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

35.

The Statement of Income and Expenditure of the year so audited shall be laid before the Committee not later than the 30th June of each year.

36.

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

Chapter IX

Powers of the Secretary

37.

The powers of the Secretary shall be, -(a)to carry out the orders of the Chairman and of the Committee;(b)to maintain discipline and integrity among the members of the staff;(c)to conduct the official correspondence;(d)to be responsible for proper and up to date maintenance of a Register of members of the fund and all books of account and registers directed to be maintained by the Committee from time to time;(e)to grant certified copies of any proceedings of the Committee or any document or record, deposition or order on payment of such fee as applicable for obtaining copies of the Committee;(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 Advocates' Clerks' Association under Section 13 of the Act. Form No. 1[See Rule 3]Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992Application under Section 13 of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992.ToThe Secretary,A.P. Advocates' Clerks' Welfare Fund Committee,High Court Premises,Hyderabad - 500 266.Sir,I am to inform you that the Advocates' Clerks' Association of is registered/not registered under the Societies Registration Act, 1860 or the A.P. (Telangana Area) Public Societies Registration Act, 1350-F. I am furnishing herewith the details for recognition and registration of this Association under Section 13 of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992, in pursuance of your Notification:

1. Name of the Association:

2. Address of the Association with Telephone Number, if any:

3. Names of the office bearers with their addresses:

4. Names of the Members of the Association with their:

(a)addresses:(b)age:(c)date of joining; and(d)place of working (separate sheet can be enclosed).

5. Bye-law or rules enclosed/ Not enclosed:

6. Other particulars, if any:

Place:Date:Signature of the President/Secretary, Advocates' Clerks' Association. Form No. 2[See Rule 4]Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992Certificate of Recognition and RegistrationRegn. No.This is to certify that _____ Advocates' Clerks' Association at _____ (Place) is recognised and registered as Advocates' Clerks' Association by the Welfare Fund Committee under Section 13 of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 for purposes of the said Act.Secretary,Andhra Pradesh Advocates' Clerks'-Welfare Fund Committee,Hyderabad.Date:Form No. 3[See Rule 5]Application under Section 15 of the Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992.ToThe Secretary,The Andhra Pradesh Advocates' Clerks' Welfare Fund Committee,High Court Premises,Hyderabad - 500 266.Sir,I am regularly working as an Advocate's Clerk under Shri.....Advocate.I declare as follows:(a)I am an Advocate's Clerk ordinarily working at_____(b)I am not an undischarged insolvent.(c)I have never been convicted by any court for an offence involving moral turpitude.orA period of two years has elapsed since my release after being convicted of an offence involving moral turpitude (in case of conviction particulars of such conviction should be given).(d)I am not in full time service or business or any such part time business or other avocation.(e)I am a member of the_____ Advocates' Clerks' Association which is registered and recognised by the Committee (vide Registration No._____.)(ee)[I am herewith enclosing a certificate of the Advocates' Clerks' Association stating that I am a member of the said Association. [Inserted by G.O.Ms.No.113, Law, dated 13-9-2003.](eee)I am herewith enclosing a certificate from the Advocate stating that I am working under him.](f)I am herewith enclosing DD for Rs. 50/- towards admission fees and also

another DD for [Rs. 500 towards life subscription] [Substituted for "Rs. 250/- being the 1st half yearly instalment towards, life subscription" by Ibid.].(g)[I am aged about _____ years, my date of birth being _____ (a copy of the certificate is to be enclosed.) [Added by Ibid.]I verify that the contents of the declaration are true to my knowledge.I request that I may be admitted as member of the Andhra Pradesh Advocates' Clerks' Welfare Fund.Place:Date:Signature of the Applicant.Admitted/Rejected.Affix passport photograph ofnominee/nominees.Form No. 4[See Rule 17]Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992Form under sub-section (6) of Section 15Form of NominationI hereby declare that the members of my family/person or persons so long as I have no family/and direct that the amount payable to me from the Andhra Pradesh Advocates' Clerks' Welfare Fund at the time of my death shall be paid or distributed to those mentioned below in the manner shown against their names:

Name(s) & Addresses of Nominee or Nominees.	Relationship with the subscriber.	Age of the subscriber.	Amount or share to be paid.
(1)	(2)	(3)	4

Signature of the Advocate's ClerkTwo witnessesto the Signature.Place 1.Date: 2.Note:

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

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

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

Form No. 5(See Rule 15]Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992Application Form for the grant of 'Death Benefit'.

1. Name and address of the Applicant:

2. Date and Place of death of the Advocate's Clerk:

3. The relationship of the Applicant to the deceased Advocate's Clerk:

4. The name and permanent address of the deceased Advocate's Clerk:

5. The period, the deceased Advocate's Clerk had worked:

6. Place or Places where the deceased Advocate's Clerk had actually worked:

7. Whether the deceased Advocate's Clerk was member of the Andhra Pradesh Advocates' Clerks' Welfare Fund:

8. The number of members in the family depending upon the deceased Advocate's Clerk and their respective relationship to the said Advocate's Clerk:

9. Furnish the names, ages, profession, income and addresses:

10. Average yearly income of the Advocate's Clerk at the time of his death:

11. Sources of other income of the applicant and the extent thereof:

12. Whether the deceased Advocate's clerk had or the applicant has any movable or immovable property: state the particulars thereof and the value thereof and any income derivable therefrom:

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

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

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

I declare that the facts mentioned herein above are true and correct. Place: Signature of the Applicant. Date: (Enclosures required):

1. Death Certificate.

2. Recommendation of the Advocates' Clerks' Association.

Note: - Affix a passport size photograph of the nominee/nominees at the top of the application. Form No. 6 [See Rule 24] Andhra Pradesh Advocates' Clerks' Welfare Fund Act, 1992 Application Form for the grant of financial assistance to the Disabled/Indigent Advocates' Clerks.

- 1. Full name of the Applicant/Advocate's Clerk:**
- 2. Residential address:**
- 3. Office address:**
- 4. Name or names of Advocates with whom the applicant was or has been working:**
- 5. Reasons for seeking financial assistance:**
- 6. Extent of financial assistance required:**
- 7. Average monthly income of the applicant:**
- 8. Sources of other income of the applicant, if any:**
- 9. Whether the applicant has applied for or received aid previously from the Fund, and if so, when nature of duration of:**
- 10. Whether the applicant has any movable or immovable property? State the particulars and the value thereof and state the particulars of any encumbrances thereof:**
- 11. Whether the applicant has any Bank Account, if so, state the particulars:**
- 12. Whether the applicant has any cash or investments, state the particulars if any:**
- 13. Whether any complaint of misconduct is pending against the applicant, if so, state the particulars thereof:**
- 14. Whether the applicant is a member of the Andhra Pradesh Advocates' Clerks' Welfare Fund**

(Give particulars):(i)The particulars furnished and the statements made here in above are true to the best of my knowledge, information and belief.(ii)I agree and undertake to inform the Committee if any change of circumstances or conditions, during the period of the aid.(iii)I agree and undertake to supply to the Committee any particulars and information in connection with this application or the aid as may be required from time to time by the Committee or the Secretary of the

Committee. This the _____ day of _____ 19 _____ Place: Signature of the Applicant. Note: -
(a) In case of disability, a medical certificate to the satisfaction of the Committee shall be furnished along with the recommendation of the concerned Advocates' Clerks' Association. (b) In the event of the applicant being unable to sign, the application may be signed by any other Advocates' Clerk or the adult member of the family of the applicant. (c) In case of indigency, two certificates by Advocates of not less than 15 years standing, certifying of their own knowledge the indigent circumstances of the applicant shall also be produced. Certifying Advocates must not be related to the applicant. The recommendation of the concerned Advocates' Clerks' Association shall also be enclosed.