

The Tamil Nadu Advocates' Clerks Welfare Fund Rules, 2000

TAMILNADU

India

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Rule

THE-TAMIL-NADU-ADVOCATES-CLERKS-WELFARE-FUND-RULES-2000 of 2000

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The Tamil Nadu Advocates' Clerks Welfare Fund Rules, 2000Published vide Notification No. G.O. Ms. No. 222, Home (Courts V), dated 28th February 2000 - No. SRO A-17 (b)/ 2000In exercise of the powers conferred by sub-section (1) of section 26 of the Tamil Nadu Advocates' Clerks Welfare Fund Act, 1999 (Tamil Nadu Act 25 of 1999), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title.

- These rules may be called the Tamil Nadu Advocates' Clerks Welfare Fund Rules, 2000.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Advocates' Clerks Welfare Fund Act, 1999 (Tamil Nadu Act 25 of 1999);(b)"Applicant" means an Advocates' Clerk or any other person applying to the Committee for financial assistance under these rules as provided in sub-section (2) of section 16 of the Act(c)"Committee" means the Committee established under sub-section (1) of section 4 of the Act.

3. Recognition of Advocates' Clerks.

- Recognition of Advocates' Clerks employed by an Advocate shall be recognised as an Advocates' Clerks by the High Court or by the District Judge concerned on receiving an application from such Clerk, accompanied by the original copy of the appointment order issued by the Advocates

concerned.

4. Recognition and registration of the Advocates' Clerks Association.

(1) Every application for recognition and registration of the Advocates' Clerks Association shall be made in Form No. 1 to the Committee. (2) The Committee shall, after holding such enquiry as it deems fit, issue a certificate of recognition and registration of the Advocates Clerks Association in Form No. 2.

5. Membership of the Fund.

- Every Advocates' Clerk who is recognised as such under rule 3 and who is a member of Advocates' Clerks Association shall apply to the committee through the Advocates' Clerks Association in which he is member, for admission as a member of the Fund in Form No.3 affixing his recent passport size photograph along with the fee as provided in sub-section (3) of section 15 of the Act. After the receipt of the application, the Committee shall, if it is satisfied with the particulars contained in the application, enrol him as a member of the Fund.

6. Stamp of the Fund.

- The stamp of the Fund shall be printed superscribing with the expression "Tamil Nadu Advocates' Clerks Welfare Fund" by the Tamil Nadu Government Printing Press or any press specified by the Committee, from time to time, having regard to the security in printing. (2) [The stamp of the Fund shall be in the custody of the Bar Council. The Advocates' Clerks Association shall purchase the stamps from the Bar Council after paying the value thereof less 10 per cent, towards incidental expenses.] [Substituted by G. O.Ms. No. 481, Home (Courts V), dated 10-2-2002, vide Notification No. S.R.O. A 32/ 2002 III (1)(a)26, dated 3-7-2002.]

7. Functions of the Committee.

- The Committee shall exercise all such powers as may be necessary for carrying out the purposes of the Act and such powers may include-(a) to provide for annual inspection of the office; (b) to prepare annual administrative report and statement of the account on or after 31st December of each year and forward the same to the Bar Council.

8. Nomination.

(1) Every member of the Fund shall furnish a declaration in Form No. 4 specifying his nominee or nominees. He may change his nominee or nominees by an application through Advocates' Clerks Association in which he is a member. The Fund becomes payable only to the last nominated person and the receipt by such nominee or nominees shall be complete discharge of all liabilities in respect of the Fund. (2) If a member of the Fund nominates more than one person, he shall specify in the declaration Form, the proportion in which the amount payable shall be distributed among

them.(3)In the case of death of a member of the Fund without nomination, the Fund becomes payable to the heirs of the member of the Fund.(4)No member of the Fund shall be entitled to assign or encumber the Fund before it becomes payable.

9. Application for the payment from the Fund.

(1)Every application for the payment from the Fund shall be preferred in Form No. 5 on or before the completion of one year from the date of the death of the Advocates' Clerk concerned by any dependent of the said Advocates' Clerk to the Committee along with the death certificate and the recommendation of the Advocates' Clerks Association in the Court or the place where the deceased Advocates' Clerk worked prior to his death.(2)Every application for the payment from the Fund by a permanently disabled Advocates' Clerk by reason of any physical or medical or other infirmity shall be preferred in Form No. 6 accompanied by a Medical Certificate together with the recommendation of the Advocates' Clerks Association in which he is a member.(3)Where the Committee finds that the evidence adduced by the applicant disabled for assistance from the Fund is false, it may call upon the applicant to refund the entire amount paid from the Fund as assistance with such interest as it may deem fit and the applicant shall comply with such direction. If the person fails to repay the amount, the same is to be recovered by filing the suit in a Court of Law.

10. Financial management.

(1)Any money received on behalf of the Committee shall be acknowledged by a receipt signed by the Secretary or any other person authorized by the Committee in this behalf. All amounts received shall be credited into the account of the Committee as provided in sub-section (2) of section 10 of the Act on the next working day of the bank.(2)Every expenditure of Rs. 2,000 and above shall be made by cheque.(3)Every bill 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 made for all the payment either by cash or by cheque.(4)The Secretary shall maintain an acquittance register. The disbursement of any amount shall be made in the presence of the Secretary, who shall attest the payment in the acquittance register. The Secretary shall submit to the Committee the acquittance roll along with the salary cheque of the staff of the Committee on the last working day of the month.(5)All moneys 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.

11. Contingent expenditure and traveling allowance.

(1)The Chairman shall have the authority to sanction an expenditure of a contingent nature not exceeding Rs. 5,000 (Rupees five thousand only) which shall be placed before the Committee at its next meeting. He shall be the authority competent to sanction traveling allowance bills of the members of the Committee. No capital expenditure shall be incurred without the previous sanction of the Committee.(2)Every member of the Committee other than an ex officio member, attending a meeting of the Committee shall be entitled to a traveling allowance equivalent to the second class train fare to and fro or bus charge to and fro and a sum of Rs. 250 (Rupees two hundred and fifty

only) per day as daily allowance for each day of stay at Chennai.

12. Placing of the Statement of Accounts before the Committee.

- The Statement of income and expenditure of the year audited as provided in sub-section (4) of section 10 of the Act shall be placed before the Committee not later than the 30th September of every year.

13. Budget.

- Budget estimates of income and expenditure for the succeeding year shall be made by the Committee before the 31st March of every year. Form No. 1[See Rule 4(1)]Application for Recognition and Registration of the Advocates Clerks' Association

1. Name of the Association

2. Address of the Association with Telephone No. (if any)

3. Names of the office bearers with their addresses

4. Names of the members of the Association with their addresses

(a)Address(b)Age(c)Date of enrollment(d)Place of employment (Separate sheet may be enclosed)

5. Whether rules or bye-laws enclosed

6. Other particulars, if any

Place : Signature of the President/ Secretary,

Date : Advocates' Clerks Association

Form No. 2[See Rule 4(2)]Certificate of Recognition and RegistrationRegistration No.This is to certify that the Advocates' Clerks' Association at (Place) is recognised and registered as Advocates' Clerks Association by the Tamil Nadu Advocates' Clerks Welfare Fund Committee under section 13 of the Tamil Nadu Advocates' Clerks Welfare Fund Act, 1999 (Tamil Nadu Act 25 of 1999).
Chennai : Secretary,

Date : Tamil Nadu Advocates' Clerks Welfare Fund Committee

Form No. 3[See Rule 5]Application for the Membership of the Tamil Nadu Advocates Clerks Welfare Fund Act, 1999ToThe Secretary,The Tamil Nadu Advocates' Clerks Welfare Fund Committee,High Court Campus,Chennai - 600 104.Sir,I am regularly working as an Advocate's Clerk under Thiru Advocate.I declare that,-(a)I am an Advocate's Clerk working at from the year ;(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 convictions 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);(f)I have not made an application through any other Association;(g)I am herewith enclosing Demand Draft for Rs. 50 towards admission fees and also another Demand Draft for Rs. 1,000/ Rs. 500 towards membership fee in full/ first installment.I request that I may be admitted as a member of the Tamil Nadu Advocates' Clerks Welfare Fund.The particulars furnished and the statements made herein above are true to the best of my knowledge, information and belief.I agree and undertake to furnish to the Committee any particulars and information in connection with this application.This the day of 2000.Place :Date :Signature of the ApplicantRecommendation of the Recognised AssociationWe recommended Thiru who is an Advocates' Clerk from the year for membership of the Advocates' Clerks Welfare Fund.Place:Date:Signature of the President and Secretary, Advocates' Clerks Association.Note. - Affix a passport size photograph of the nominee/ nominees at the top of the application.Form No. 4[See Rule 8]Form of NominationI hereby declare that the members of my family/ person/ a persons so long as I have no family and direct that the amount payable to me from the Tamil Nadu Advocates' Clerks Welfare Fund at the time of my death shall be paid to/ distributed to/ those mentioned below in the manner shown against their names:

Name and address of nominee	Relationship with advocates' clerk	Age of the nominee	Amount or share to be paid
1	2	3	4

The particulars furnished and the statements made herein above are true to the best of my knowledge, information and belief.I agree and undertake to furnish to the Committee any particulars and information in connection with this application.This the day of 2000.Signature of the Advocates' Clerk.Two Witnesses to the Signature:(1)(2)Place:Date:Note. - (1) On the death of anyone 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 fresh declaration and nomination form.(3)Affix passport Size photograph of the nominee/ nominees of the top on the Form.Form No. 5[See Rule 9(1)]Application form for the Grant of Death Benefit

1. Name and address of the applicant.:

2. Date and place of death of the Advocates' Clerk.:

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

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

5. The period in which 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 a member of the Tamil Nadu Advocate's Clerks Welfare Fund.:

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

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

The particulars furnished and the statements made herein above are true to the best of my knowledge, information and belief. I agree and undertake to furnish to the Committee any particulars and information in connection with this application. This the day of 2000

Place :

Date : Signature of the
Applicant.

Enclosures required :

(a) Death Certificate (b) Recommendation of the Advocate's Clerks Association Form No. 6 [See Rule 9(5)] Application form for the Grant of Benefit to the Permanently Disabled Advocate's Clerk

1. Full name of the applicant/ Advocate's Clerk :

2. Residential Address :

3. Office Address :

4. Name or names of Advocate (s) with who the applicant was or has been working :

5. Reasons for seeking benefits :

6. Proof for permanent disablement :

7. Affidavit for permanent disablement :

8. Whether applicant is a member of the Tamil Nadu Advocate's Clerks Welfare Fund (Give particulars) :

The particulars furnished and the statements made herein above are true to the best of my knowledge, information and belief. I agree and undertake to furnish to the Committee any particulars and information connection with this application. This the day of 20..Place:Date:Signature of the Applicant.