

# **The Tamil Nadu Advocates' Welfare Fund Rules, 1989**

TAMILNADU

India

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### **Rule**

### **THE-TAMIL-NADU-ADVOCATES-WELFARE-FUND-RULES-1989 of 1989**

- Published on 10 January 1990
- Commenced on 10 January 1990
- [This is the version of this document from 10 January 1990.]
- [Note: The original publication document is not available and this content could not be verified.]

The Tamil Nadu Advocates' Welfare Fund Rules, 1989 Published vide Notification Part III-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 10th January 1990

#### **1. Short title.**

- These rules may be called the Tamil Nadu Advocates' Welfare Fund Rules, 1989.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Advocates Welfare. Fund Act, 1987 (Tamil Nadu Act 49 of 1987);(b)"Form" means a form appended to these rules;(c)"permanent disablement" means such disablement which incapacitates a person to continue his practice as an advocate;(d)"practice" means carrying on the profession of an advocate;(e)"standing" means practice at the Bar.

#### **3. Application for recognition to Bar Council.**

(1)An application under section 13 of the Act by any association of advocates functioning in any Court centre to the Bar Council for recognition shall be in Form No. I(2)Every application in Form No. I shall be accompanied by an authenticated copy of the rules and/ or bye-laws of the Association, an up-to-date list of the members of the Association showing their names, address, age, date of birth, date of enrolment, the roll number in the Slate roll maintained by the Bar Council under section 17 of the Advocates Act, 1961 (Central Act 25 of 1961), the place where the member ordinarily practices, the period of suspension, if any, and such application shall be duly signed by the President and Secretary of the Association.(3)The certificate of registration to be issued by the

Bar Council shall be in Form No. II.(4)The Bar Council may recognise more than one Bar Association at a Court centre for special reasons to be recorded in writing.

#### **4. Application for membership in the Fund.**

(1)Every application under section 15 of the Act for admission as a member of the Fund shall be in Form No. III signed by the applicant and attested by the President and Secretary of the Bar Association of which he is a member.(2)An advocate having membership in more than one Bar Association shall be eligible to apply to be admitted as a member of the Fund only from one of such associations.(3)An advocate applying for membership of the Fund shall pay a sum of Rs. 200 towards application fee along with the application.(4)Payment of the application fee shall be by means of crossed Demand Draft/ Indian Postal Order drawn in favour of the Trustee Committee or remittance made by challan of the Bank in which the Trustee Committee has its accounts.(5)On admission of a member of the Fund, the Trustee Committee shall issue certificate in Form No. IV.(6)The Trustee Committee shall prepare and maintain a register of members in Form No. V(7)Any decision of the Trustee Committee rejecting an application for admission shall be communicated to the applicant by registered post with acknowledgment due.(8)The Trustee Committee shall remove any member from the membership of the Fund, if he fails to remit the annual subscription before 31st March of the year:Provided that no such order removing the name of a member from the membership of the Fund shall be passed without giving him an opportunity of his being heard.

#### **5. Re-admission to Fund.**

- An application for re-admission shall be in Form No. VI.

#### **6. Collection of amount due to the Fund.**

(1)On coming into force of section 12 of the Act, the Bar Council shall transfer 20% of the enrolment fee collection during financial year, before the 31st March of the succeeding year, to the Fund.(2)The Secretary of the Trustee Committee shall collect all sums specified in sub-section (1) of section 3 of the Act and deposit the same in the Fund Account forthwith.(3)Separate account shall be maintained for the receipts under each of clauses (a) to (i) of sub-section (2) of section 3 of the Act.

#### **7. Functions of Trustee Committee.**

(1)The Trustee Committee shall receive application for payment out of the Fund from any member or his nominee or his legal heirs, as the case may be, in Form No. VII.(2)All disbursements of amounts payable under section 16 of the Act shall be by account payee cheques signed jointly by the Chairman and the Secretary of the Trustee Committee.(3)The Trustee Committee shall send to the Bar Council and the Government half-yearly and annual reports showing the receipts to, and disbursements from, the Fund and other particulars and on such other occasion as may be required by the Bar Council.(4)All decisions of the Trustee Committee rejecting any claim to the benefit of the

Fund shall be communicated to the applicant by registered post with acknowledgment due.

## **8. Notice and quorum of meeting of the Trustee Committee.**

(1) Ten clear days notice shall be given for a meeting of the Trustee Committee provided that the Chairman may, whenever he considers it emergent or extraordinary circumstance exist, convene emergent meeting of the Trustee Committee with 24 hours notice. The decision of the Chairman for the reasons to convene emergent Trustee Committee meeting shall be final. (2) The quorum for a meeting of the trustee Committee shall be four. (3) The meetings of the Trustee Committee shall be ordinarily held at the office of the Bar Council. (4) The meetings of the Trustee Committee shall be presided over by the Chairman or in his absence by a member chosen by the members present at the meeting. (5) The Secretary of the Trustee Committee shall not have the voting right in the meeting.

## **9. Appeal.**

(1) An appeal under section 21 shall be in Form No. VIII. (2) The Bar Council shall fix a date and place for the hearing of the appeal and may dispose of the same as expeditiously as possible. (3) The Bar Council may, - (a) before disposing of an appeal, cause such further enquiry to be made by a Committee constituted by the Bar Council; (b) in disposing of an appeal, pass such order as it deems fit including an order of remand to the Trustee Committee for fresh disposal. (4) A copy of every order passed on appeal, certified as true and correct by the Secretary, shall be communicated to the appellant and the Trustee Committee.

## **10. Removal from membership caused by misrepresentation or fraud of Fund.**

- The Trustee Committee may, if satisfied, if any person has got himself admitted to the membership of the Fund by misrepresentation or suppression of any material fact or by fraud, remove the name of such person from the membership of the Fund after giving him an opportunity of being heard. On such removal, all benefits accrued on such member by virtue of the provisions of the Act and these rules shall stand forfeited and such member shall be liable to refund the sum or sums, if any, already received by him as benefit under the Act.

## **11. Reduction of amount on failure to intimate suspension of practice or retirement.**

- In respect of any case falling under sub-section (10) of section 15 of the Act, the Trustee Committee may, after conducting such enquiry as it deems : it in its discretion, reduce the amount payable to a member up to a maximum limit of 25%.

## **12. Medical and educational facilities.**

(1) A member may be allowed grant from the Fund after three years from the date of admission to the Welfare Fund-(i) in case of hospitalisation lasting for one month or more or involving a major surgical operation; or (ii) on his suffering from tuberculosis, leprosy, paralysis, cancer, unsoundness of mind or from such other serious diseases or disabilities; or (iii) in case of an educational aid to him or his dependants. (2) The grant shall be allowed only after the Trustee Committee is satisfied about the genuineness of the claim. (3) The grant so allowed shall not exceed a sum of Rs. 2,500 for the purposes specified in clauses (i), (ii) or (iii) of sub-rule (1) during a period of five years. (4) An application for medical aid shall be in Form No. IX and application for educational aid shall be in Form No. X.

## **13. Maintenance of registers by the Trustee Committee.**

(1) The Trustee Committee shall maintain-

**1. The register showing the order placed for the printing of stamps;**

**2. The register showing the stock of stamps with the following heads, viz. -**

(a) Serial Number; (b) Date; (c) Opening stock; (d) Receipt; (e) Issue; (f) Balance;

**3. Day Book;**

**4. Ledger;**

**5. Cash Book;**

**6. Receipt Book with inner foil; and**

**7. Such other registers and records as may be directed by the Bar Council, from time to time.**

(2) The President and Secretary of every Bar Association and Advocates Association shall be responsible to the Bar Council for the distribution of stamps to its members and shall maintain proper accounts pertaining to the same, and for this purpose maintain a register showing the stock of stamps with the following heads, viz. - (a) Serial Number; (b) Date; (c) Opening Stock; (d) Receipt; (e) Issue; (f) Balance;

## **2. Day Book;**

## **3. Ledger, and**

## **4. Cash Book.**

(3)Purchase of stamps by every Bar Association and Advocates Association shall be by means of crossed demand draft/ Indian Postal Order drawn in favour of the Trustee Committee or remittance made by challan of the Bank in which the Trustee Committee has its accounts.

## **14. Cancellation of stamp.**

(1)No vakalath requiring a stamp under the Act shall be filled or acted upon in any proceedings in any Court, Tribunal or other authority until the stamp has been cancelled. Such officer as the Court, Tribunal or other authorities may, from time to time, appoints shall on receiving any such vakalath forthwith effect such cancellation by punching out the figure and the part removed by punching shall be burnt or otherwise destroyed.(2)No Court, Tribunal or other authority shall receive a vakalath not bearing the stamp filled by an advocate unless the advocate who is not a member of the Fund files a declaration along with the vakalath that he is not a member of the Fund.

## **15. The emblem of the Advocates Welfare Fund Stamp.**

- The Advocates Welfare Fund Stamp shall have the emblem of the Bar Council of Tamil Nadu, namely, the scale with collar and bands in the middle of the scale with the inscription of the words "The Bar Council of Tamil Nadu" along with the words "Tamil Nadu Advocates Welfare Fund Stamp".AppendixForm No. ISeal of the AssociationApplication For Recognition

1. Name of the Association.
2. Whether registered under the Societies Registration Act or other similar Act (Give details).
3. Names of Courts in the centre.
4. Number of members practising at the time of application (Name, address, date of enrolment, age and date of birth, date of suspension and resumption, if any.)
5. Names and addresses of the President and Secretary

We, ..... do solemnly affirm that the particulars stated above are true and correct.

Place : President Secretary

Date :

Seal of the Association (Emblem of Bar Council) Form No. II [See Section 13 and Rule 3(3)] The Bar Council of Tamil Nadu Certificate of Registration The Bar Council of Tamil Nadu, do hereby certify that the ..... association is registered under section 13 of the Advocates Welfare Fund Act, 1987 (Tamil Nadu Act 49 of 1987) and its Registration No. is ..... Given under my hand and seal of the Bar Council of Tamil Nadu. Dated this the ..... day of ..... of the year ... Seal  
..... Chairman. Form No. III [See Section 15 and Rule 4(1)] Application for Admission to

## the Welfare Fund

1. Name and address (in block letters).
2. Age and date of birth of applicant.
3. Date of enrolment under the Advocates Act, 1961 (Central Act 25 of 1961).
4. Place or places of practice.
5. Suspension or discontinuance of practice, if any, with details of suspension and resumption.
6. Name and address of the nominee or nominees with the proportion of share to be paid to each.
7. Amount and date of payment to (Receipt to be attached), the Fund under section 15(3)
8. Admission fee how paid.

I, ..... do solemnly affirm that the particulars furnished above are true and correct.

Place:

Signature of the applicant.

Date:

Attested by President (with seal) Secretary (with Seal)

Form No. IV[See Section 15(2) and Rule (5)]Tamil Nadu Advocates Welfare Fund Trustee Committee Certificate of Membership The Tamil Nadu Advocates Welfare Fund Trustee Committee certify that Thiru/ Selvi/ Thinlmathi.....is admitted to the membership of the Advocates Welfare Fund under section 15(2) of the Advocates Welfare Fund Act, 1987 (Tamil Nadu Act 49 of 1987). Given under my hand and seal of the Tamil Nadu Advocates Welfare Fund Trustee Committee. Dated this the day of ... of the year. Chairman. Seal Form No. V[See Rule 4(6)]Form of Register of Members Admitted to the Advocates Welfare Fund

SI. No.	Membership Number	Name and address of member	Name of Bar Association in which he is a member	Date of birth with age
1	2	3	4	5

Date of enrolment as advocate	No. in the State roll of advocates	Date of admission to the Fund	Remarks
6	7	8	9

Form No. VI[See Section 15(8) and Rule 5]Application for Re-Admission to the Advocates Welfare Fund

1. Name and address (in block letters).
2. Age and date of birth of applicant.
3. Date of enrolment under the Advocates Act, 1961 (Central Act 25 of 1961)
4. Place or places of practice.
5. Suspension, discontinuance of practice, if any, with details of suspension and resumption.
6. Name and address of the nominee or nominees with the proportion of share to be paid to each.
7. Amount and date of payment to the Fund under section 15(6) (Receipt to be attached).

8. Nature of re-admission.
9. Details of payment made, re-admission fee how paid.
10. Date of previous admission to the membership of the Fund with membership number.
11. Date of previous retirement from the Fund.

Place: Signature of the applicant.

Date:

Attested by President (with seal) Secretary (with Seal)

Form No. VII[See Section 16 and Rule 7(1)]Application for Payment from the Advocates Welfare Fund

1. Name and address (in block letters).
2. Age and date of birth of the member.
3. Date of enrolment under the Advocates Act, 1961 (Central Act 25 of 1961).
4. Registration number under the Advocates Welfare Fund Act, 1987 (Tamil Nadu Act 49 of 1987).
5. Place or places of practice.
6. Completed years of practice after membership in the Fund.
7. Date of retirement, cessation of practice/ death.
8. The applicant is a member/ nominee/ legal heir, if legal heir, furnish the proof.

Place: Signature of the applicant.

Date:

Attested by President (with seal) Secretary (with Seal)

Form No. VIII[See Section 21 and Rule (1)]Before the Bar Council of Tamil Nadu (Appeal under section 21) Appeal No ..... Of .....

1. Name and address (in block letters).
2. Number and date of order appealed against.
3. Date of receipt of order.
4. Number and date of receipt evidencing payment into State Bank of India, in any branch in the State of Tamil Nadu.
5. Statement of facts.
6. Grounds of appeal with reliefs claimed.

I, ..... do hereby affirm that the particulars furnished above are true and correct.

Place : .....

Dale : Signature of the  
applicant.

Form No. IX[See Section 18(b) and Rule 12(4)]Application for Medical Aid

1. Name and address of the member (in block letters).
2. Age and date of birth of the member.
3. Date of enrolment of member.
4. Name and address of the patient showing his relationship with the member.

5. Name and address of the medical practitioner who is attending the patient.
6. Details regarding the disease.
7. Amount required for treatment to be certified by the medical practitioner.
8. Annual income of the member whether assessed to income-tax/ wealth-tax, if so, furnish attested copy of the return submitted to the authorities in the previous year.
9. Details of previous application, if any, ---
  - a. in respect of medical aid;
  - b. in respect of educational aid.

Declaration I, ..... do hereby solemnly affirm that the particulars furnished above are true and correct.

Place : .....

Dale :       Signature of the  
              applicant.

Form No. X[See Section 18(b) and Rule 12(4)]Application for Educational Aid

1. Name and address of the member (in block letters).
2. Age and date of birth of the member.
3. Date of enrolment of member.
4. Name and address of the person showing his relationship with the member.
5. Name and address of the institution where the student has been admitted with the certificate of admission from the Head of the Institution.
6. Details regarding the course of study.
7. Amount required for treatment to be certified by the medical practitioner.
8. Annual income of the member whether assessed to Income Tax/ Wealth Tax, if so, furnish attested copy of the return submitted to the authorities in the previous year.
9. Details of previous application, if any, ---
  - a. in respect of medical aid;
  - b. in respect of educational aid.

Declaration I, ..... do hereby solemnly affirm that the particulars furnished above are true and correct.

Place : .....

Dale :       Signature of the  
              applicant.