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**புதுச்சேரி மாநில அரசிதழ்**  
**La Gazette de L'État de Poudouchéry**  
**The Gazette of Puducherry**

**PART - II**

<b>சிறப்பு வெளியீடு</b>	<b>EXTRAORDINAIRE</b>	<b>EXTRAORDINARY</b>
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No. } 25	Poudouchéry	Lundi	14	Juillet	2008
No. }	Puducherry	Monday	14th	July	2008
(23 Asadha 1930)					

**GOVERNMENT OF PUDUCHERRY**  
**LAW DEPARTMENT**

(G. O. Ms. No. 15/2008-LD., dated 2nd July 2008)

**NOTIFICATION**

In exercise of the powers conferred by section 35 of the Advocates' Welfare Fund Act, 2001 (Central Act 45 of 2001) read with notification, dated 25-10-2001 of the Ministry of Home Affairs, Government of India, New Delhi, the Lieutenant-Governor, Puducherry hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Puducherry Advocates' Welfare Fund Rules, 2008.

(2) They shall come into force on and from the date of their publication in the official gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) 'Act' means the Advocates' Welfare Fund Act, 2001 (Central Act 45 of 2001);

(b) 'Secretary' means the Secretary of the Trustee Committee;

(c) 'section' means a section of the Act;

(d) 'State Bar Council' means the Bar Council of Tamil Nadu;

(e) Words and expressions used in these rules, but not defined therein, shall have the same meanings as are assigned to them under the Act.

3. *Credit to fund.*— (1) The Secretary shall collect all sums specified in sub-section (2) of section 3 and deposit the same in the bank account of the Trustee Committee in a scheduled bank forthwith.

(2) Separate accounts shall be maintained for the sums received under each of clauses (a) to (j) of sub-section (2) of section 3.

4. *Office.*— The Office of the Trustee Committee shall be at Pondicherry.

5. *Annual statement of accounts.*— The Trustee Committee shall prepare annual statement of income and expenditure in Form-I.

6. *Preparation of budget estimates.*— The Secretary shall prepare budget estimates of income and expenditure for the coming year, which shall be placed before the Trustee Committee for approval before the 31st March every year.

7. *Administrative expenditure, payments and investment.*— All administrative expenditure, payments and investments shall be approved by the Trustee Committee. Any expenditure or payment of a contingent nature may be sanctioned by the Chairperson up to twenty thousand rupees and by the Secretary up to ten thousand rupees, which shall be placed before the Trustee Committee for ratification at its next meeting.

8. *Annual report.*— The Trustee Committee shall prepare an annual report for the financial year before the 30th June of the following year. An authenticated copy of the annual report shall be submitted to the Government within the next 15 days.

9. *Meetings.*— (1) The date and time for a meeting of the Trustee Committee shall be fixed by the Secretary with the prior approval of the Chairperson and the Secretary shall give seven clear days' notice to the Members.

(2) In case of urgency, the Chairperson can convene a meeting of the Trustee Committee at a short notice.

(3) An agenda for every meeting of the Trustee Committee shall be prepared by the Secretary with the approval of the Chairperson and shall be circulated to the Members.

(4) The quorum necessary for the transaction of business at a meeting of the Trustee Committee shall be three Members.

(5) Where a meeting has been adjourned for lack of quorum, the business which would have been brought before the original meeting if there had been a quorum present thereat, shall be brought before, and may be transacted at an adjourned meeting.

(6) The Chairperson or in his absence such other Member present as is decided by the Trustee Committee shall preside at every meeting of the Trustee Committee.

(7) All matters brought before any meeting of the Trustee Committee shall be decided by a majority of the votes of the Members present and voting.

(8) The Chairperson or the person presiding over a meeting shall have and exercise a second or a casting vote in all cases of equality of votes.

(9) It shall be open to any Member to raise any matter not included in the agenda with the permission of the Chairperson.

(10) The minutes of the meeting shall be recorded by the Secretary and circulated to the Members, as early as possible, after approval by the Chairperson.

(11) At the next meeting of the Trustee Committee, the approved minutes of the previous meeting shall be read and confirmed.

(12) Meetings of the Trustee Committee shall ordinarily be held at its office.

10. *Maintenance of records and registers by Trustee Committee.*—

(1) The Secretary shall maintain the following :—

(i) Register of meetings of the Trustee Committee and minutes of such meetings;

- (ii) Register of the sums paid to the fund under separate heads specified in sub-section (2) of section 3;
- (iii) Register of all sums collected under separate heads under section 18;
- (iv) Register of members of the fund;
- (v) Register of payments to members of the funds, their dependants, nominees and legal heirs under separate heads;
- (vi) Register of members of the fund under suspension;
- (vii) Register of members of the fund who have ceased to practice;
- (viii) Register of all enquiries made by the Trustee Committee;
- (ix) Register of the staff appointed by the Trustee Committee;
- (x) Day book;
- (xi) Ledger;
- (xii) Cash book;
- (xiii) Receipt book with inner foil;
- (xiv) Voucher file;
- (xv) All forms hereby prescribed;
- (xvi) Record of all forms, applications and other documents received;
- (xvii) Record of all correspondence and other business transacted by the Trustee Committee;
- (xviii) Other registers, files and records as may be required.

(2) Registers, etc. shall be maintained in the format as laid down by the Trustee Committee in consultation with the Chartered Accountant appointed under sub-section (2) of section 13.

11. *Application for recognition of an association of advocates.*— An association of advocates functioning in any court, tribunal or other authority shall apply for recognition to the State Bar Council, under sub-section (1) or sub-section (2) of section 16, in Form-II.

12. *Recognition.*— (1) The State Bar Council may issue a Certificate of Recognition in Form-III, after such enquiry as it deems necessary, on the application made under rule 11.

(2) The State Bar Council may recognise more than one association of advocates functioning at a particular court, tribunal or other authority.

(3) The State Bar Council shall prepare a list of recognised associations of advocates and update the same from time to time.

13. *Application for membership of fund.*— (1) An advocate shall apply for admission as a member of the fund, under sub-section (1) or sub-section (2) of section 18, in Form-IV.

(2) An advocate having membership in more than one association of advocates shall so apply from any one of them.

(3) Any member of the fund, who fails to pay the annual subscription for any year before the 31st day of March of that year, shall be liable to be removed from the membership of the fund.

14. *Application for readmission as a member of fund.*— An advocate shall apply for readmission as a member of the fund, under sub-section (7) of section 18, in Form-V.

15. *Certificate of membership.*— The Trustee Committee shall issue a Certificate of Membership in Form-VI.

16. *Reduction of amount on failure to intimate removal or suspension.*— (1) Every member of the fund shall within fifteen days of his removal from the State roll under section 26A of the Advocates Act, 1961 (Central Act 25 of 1961) or suspension of practice, intimate the same to the Trustee Committee.

(2) If a member of the fund fails to intimate under sub-rule (1), the amount payable to him under the Act may be reduced, under sub-section (12) of section 18, only after conducting a suitable inquiry and the reduction shall not exceed twenty-five per cent. of such amount.

17. *Cessation of practice and payment.*— (1) A member of the fund, his nominee or legal heir, as the case may be, shall intimate to the Trustee Committee as to his cessation of practice, along with the necessary proof thereof.

(2) The Trustee Committee shall, after such inquiry as it deems necessary, pay to the claimant, the amount at the rate specified in Schedule-I to the Act within thirty days of the receipt of the intimation.

18. *Schemes for benefits of members of the fund.*— The Trustee Committee may introduce schemes for any benefit for the members of the fund and their dependants, under section 24.

19. *Disposal of claims.*— An application claiming *ex gratia* grant under section 19 or any benefit under any scheme under section 24, after being satisfied about the genuineness of the claim, shall be disposed of by the Trustee Committee within thirty days of the receipt thereof.

20. *Appeal to the State Bar Council.*— (1) An appeal to the State Bar Council against any decision or order of the Trustee Committee, under section 25, shall be in Form-VII.

(2) The State Bar Council may devise its own procedure for hearing and disposal of an appeal.

(3) An appeal shall be disposed of by the State Bar Council within sixty days from the date of filing thereof.

21. *Value and design of stamps.*— (1) Stamps shall be printed in the denominations of five rupees and ten rupees.

(2) Every stamp shall have the emblem of the State Bar Council with the inscription of the words “State Bar Council alongwith the words ‘Advocates’ Welfare Fund Stamp” as well as its value in terms of rupees.

22. *Accounts of stamps.*— (1) The State Bar Council, the State Bar Associations and the State Advocates’ Associations shall keep accounts of the stamps in Form-VIII and also maintain the following :—

- (i) Register showing the stock of stamps;
- (ii) Register of sale / purchase of stamps;
- (iii) Register showing printing / distribution of stamps;
- (iv) Day book;
- (v) Ledger;
- (vi) Cash book;
- (vii) Receipt book with inner foil;
- (viii) Voucher file;
- (ix) Other registers, files and records as may be required.

(2) Registers, etc. shall be maintained in proper format.

23. *Cancellation of stamps.*— (1) No vakalatnama requiring a stamp under the Act shall be filed or acted upon in any proceeding in any court, tribunal or other authority until the stamp has been cancelled.

(2) Such officers as the court, tribunal or other authority may, from time to time, appoint shall, on receiving any such vakalatnama forthwith effect such cancellation by punching out the figure and the part removed by punching shall be burnt or mutilated or otherwise destroyed.

FORM-I  
(See rule 5)

**Annual statement of income and expenditure for the year**

Office of.....

Month of.....

**RECEIPTS**

Date	No. of the receipt issued or bill drawn	Particulars		Receipt to be credited to account	Salaries and advances	Contingencies		Miscellaneous	Total	Classification
		From whom received	Cheque/DD No. or Serial Nos. in the register of valuables			In recoupment of permanent advance	Advance payment			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

PAYMENTS

(12)	Date	
(13)	Sub-voucher No./ Sl. No.(s) in the register of valuables	
(14)	To whom paid or sent to for crediting	
(15)	Receipts to be credited to account	
(16)	Salaries and advances	
(17)	Out of permanent advance	Contingencies
(18)	Out of money drawn in anticipation of payments	
(19)	Miscellaneous	
(20)	Total	
(21)	Classification	



## FORM-II

(See rule 11)

**Application for recognition under sub-section (1) or  
sub-section (2) of section 16**

1. Name of the Association :
2. Whether registered under the Societies :  
Registration Act, 1860 or other similar  
Act (give details).
3. Name and place of Court, Tribunal, :  
other authority in which the Association  
is functioning.
4. Number of members of the Association :  
at the time of application (list of names,  
addresses, dates and numbers of enrolment,  
age of members and their ordinary place  
of practice) (supply details by separate  
Annexure).
5. Names and addresses of the President, :  
Vice-President, Secretary, Treasurer and  
other office-bearers at the time of  
presentation of the application (supply  
details by separate Annexure).
6. Memorandum of Association, Rules, :  
Regulations and By laws of Association  
(annex copies thereof).

## DECLARATION

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

Place : .....

Date : *President/Vice-President* *Secretary*

(Seal of the Association)

## FORM-III

[ See rule 12(1)]

**BAR COUNCIL OF TAMIL NADU****Certificate of Recognition**

The Bar Council of Tamil Nadu do hereby certify that the ..... Association is recognised under sub-section (4) of section 16 of the Advocates' Welfare Fund Act, 2001 and its Recognition No. is .....

Given under my hand and seal of the Bar Council of Tamil Nadu, dated this the ..... day of ..... 200.....

(Seal)

*Chairman.*

## FORM-IV

[ See rule 13(1)]

**Application for admission as a member of the fund under  
sub-section (1) or sub-section (2) of section 18**

The Secretary,  
Trustee Committee,  
Puducherry Advocates' Welfare Fund,  
..... (Office address).



Photograph

Sir,

I apply for admission as a Member of the Fund.

1. Name of the applicant (in block letters) :
2. Father's/husband's name :
3. Age and date of birth (attach proof) :
4. Address (residence)..... PIN.....  
Telephone ..... Fax .....E-mail.....  
Address (Office).....PIN.....  
Telephone ..... Fax .....E-mail.....

5. Date of enrolment as an Advocate and its :  
number with the Bar Council (attach copy  
of Enrolment Certificate).
6. Date since practising as Advocate :
7. Usual place(s) of practice (also give name(s) :  
of Court/Tribunal/other authority).
8. Name of the Association of Advocates of :  
which the applicant is a member through  
which the applicant claims benefit under  
the Act.
9. Whether practice discontinued for any period :  
and reasons therefor.
10. Whether the applicant is in part/full-time :  
service; if yes, give particulars.
11. Name and address of the nominee(s); the :  
amount or share payable to each of the  
nominees.
12. Name, age and other particulars of :  
dependants.
13. Mode of payment of application fee :

## DECLARATION

- (a) I hereby declare that the above particulars are true to my personal knowledge.
- (b) I hereby undertake to abide by the provisions of the Act, Rules and directions, etc., made thereunder.
- (c) I further declare that if any statement of fact stated in this application is found to be false at any time, my name shall be liable to be struck off as a member of the fund.

Dated: *Signature of the applicant Advocate*

Forwarded with the certificate that the applicant is a member of the Association of Advocates mentioned in column 8 of this application.

Dated: *President/Vice-President/Secretary  
of the Association of Advocates.*

(Seal of the Association of Advocates)

FORM-V  
(See rule 14)

**Application for readmission as a member of the fund  
under sub-section (7) of section 18**

The Secretary.  
Trustee Committee,  
Puducherry Advocates' Welfare Fund,  
..... (Office address)

Sir,

I apply to be readmitted as Member of the Fund.

1. Name of the applicant (in block letters) :
2. Particulars of admission as a member of the fund (attach original certificate) :
3. Reasons for non-payment of the annual subscription. :
4. Mode of payment of the arrears and readmission fee. :

DECLARATION

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

Place :

Dated : \_\_\_\_\_ *Signature of the applicant.*

FORM-VI  
(See rule 15)

**TRUSTEE COMMITTEE**

.....**PUDUCHERRY ADVOCATES' WELFARE FUND**

**Certificate of Membership of the Fund**

The Trustee Committee of the .... (Puducherry) Advocates' Welfare Fund certify that Mr./Ms. .... is admitted to the Membership of the.....Puducherry Advocates' Welfare Fund under section 18 of the Advocates' Welfare Fund Act, 2001 and his/her Membership No. is .....

Given under my hand and seal of the Trustee Committee.

Dated this the ..... day of..... of the year.

Seal

*Chairperson.*

## FORM-VII

[See rule 20(1)]

**BEFORE THE BAR COUNCIL OF TAMIL NADU****Memorandum of appeal***(Under Section 25 of the Advocates' Welfare Fund Act, 2001)*

A.W.F. Appeal No..... of .....

Between:

(Name and address of the Appellant) . . . Appellant

and

(Name and address of the Trustee Committee) . . . Respondent

1. The appellant files this appeal against the decision/order dated..... of the respondent Trustee Committee.
2. Date of receipt of decision/order.
3. Statement of facts.
4. Grounds of appeal.
5. The appeal is in time.
6. The appellant has paid twenty-five rupees as fees for the appeal on ..... by ..... (mode of payment).
7. Reliefs claimed.

Place: (Appellant)

Date: ( )

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

(Appellant)

( )

Enclosures:

1. Certified copy of the decision / order of the Trustee Committee.
2. Proof of payment of twenty-five rupees.

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FORM-VIII  
(See rule 22)

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Sl. No.	Date	Opening stock	Receipt	Issue	Balance
(1)	(2)	(3)	(4)	(5)	(6)

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(By order of the Lieutenant-Governor)

**A. RAGOU,**  
Deputy Secretary to Government.

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