

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 10th December, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 48 of 2024

A Bill further to amend the Tamil Nadu Advocates Welfare Fund Act, 1987.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Advocates Welfare Fund (Amendment) Act, 2024. Short title and commencement.

(2) (a) Clause (a) of section 4 shall be deemed to have come into force on the 30th day of January 2018.

(b) Clause (b) of section 4 shall be deemed to have come into force on the 27th day of August 2022.

(c) Clause (c) of section 4 and the remaining sections shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu Act 49 of 1987.

2. In section 2 of the Tamil Nadu Advocates Welfare Fund Act, 1987 (hereinafter referred to as the principal Act), in clause (k), the expression “and includes e-stamp” shall be added at the end. Amendment of section 2.

3. In section 15 of the principal Act,— Amendment of section 15.
(a) in sub-section (1), the following proviso shall be added, namely:—

“Provided that on and from the date of commencement of the Tamil Nadu Advocates Welfare Fund (Amendment) Act, 2024, an advocate who is in receipt of pension, gratuity or other terminal benefits from any State Government or Central Government or other authority or employer shall not be eligible to apply for admission as a member of the Fund.”;

(b) in sub-section (3), the following proviso shall be added, namely:—

“Provided that a person enrolled as an advocate and opted to be admitted to the Fund belatedly after enrolment shall pay an additional fee of rupees one thousand per year from the date of his enrolment till the date of his admission to the fund.”;

(c) in sub-section (4),—

(i) in item (a), for the expression “Five hundred rupees”, the expression “One thousand rupees” shall be substituted;

(ii) in item (b), for the expression “One thousand rupees”, the expression “Two thousand rupees” shall be substituted;

(iii) in item (c), for the expression “Twenty-five thousand rupees”, the expression “One lakh rupees” shall be substituted;

(iv) in item (d), for the expression “Ten thousand rupees”, the expression “Twenty thousand rupees” shall be substituted;

(v) the following provisos shall be added, namely:—

“Provided that an advocate who has been admitted as a member of the Fund before the completion of thirty five years of age shall be eligible to pay life time subscription or annual subscription to the Fund:

Provided further that an advocate who has been admitted as a member of the Fund after the completion of thirty five years of age shall be eligible to pay only annual subscription and he shall not be eligible to pay life time subscription to the Fund.”;

(d) in sub-section (6), for the expression “fifty rupees”, the expression “ten thousand rupees” shall be substituted;

(e) in sub-section (9), for the expression “fifty rupees”, the expression “five hundred rupees” shall be substituted.

Amendment of
section 16.

4. In section 16 of the principal Act,—

(a) in sub-section (5), for the expression “five lakh and twenty-five thousand rupees” occurring in two places, the expression “seven lakh rupees” shall be substituted;

(b) in sub-section (5) as so amended, for the expression “seven lakh rupees” occurring in two places, the expression “ten lakh rupees” shall be substituted;

(c) for sub-section (5) as so amended, the following sub-section shall be substituted, namely:—

“(5) Where a member of the Fund dies, his nominee or legal heir, as the case may be, shall be paid an amount of—

(a) rupees ten lakh, if the member was enrolled as an advocate before the completion of thirty five years of age;

(b) rupees five lakh, if the member was enrolled as an advocate after the completion of thirty five years of age but before the completion of fifty years of age;

(c) rupees two lakh and fifty thousand, if the member was enrolled as an advocate after the completion of fifty years of age, but before completion of sixty years of age;

(d) rupees one lakh, if the member was enrolled as an advocate after the completion of sixty years of age:

Provided that if such member who, before his death, was in receipt of pension, gratuity or other terminal benefits from any State Government or the Central Government or other authority or employer, his nominee or legal heir, as the case may be, shall not be entitled for the payment of the amount under this sub-section.”.

Amendment of
section 21.

5. In section 21 of the principal Act, in sub-section (2), in clause (b), for the expression “twenty-five rupees”, the expression “five hundred rupees” shall be substituted.

6. In section 22 of the principal Act, in sub-section (1),—
- Amendment of
section 22.
- (a) for the expression “ten rupees”, the expression “one hundred and twenty rupees” shall be substituted;
- (b) the following proviso shall be added, namely.—
- “Provided that the Bar Council may also issue e-stamp through e-stamps online portal of the Bar Council.”.

7. In section 23 of the principal Act, in sub-section (1), for the expression “thirty rupees”, the expression “one hundred and twenty rupees” shall be substituted.
- Amendment of
section 23.

STATEMENT OF OBJECTS AND REASONS

The Government have constituted a Fund called the Tamil Nadu Advocates Welfare Fund in the State to provide for payment of retirement benefits to the advocates in the State and for payment of lumpsum amount out of the said fund on the death of the member under the Tamil Nadu Advocates Welfare Fund Act, 1987 (Tamil Nadu Act 49 of 1987).

2. The Hon'ble Chief Minister has announced on 23.04.2022 that the financial assistance paid from the Advocates Welfare Fund to the family of the deceased advocate will be enhanced from Rs.7 lakh to 10 lakh and an additional grant of Rs. 20.00 Crore to the Tamil Nadu Advocates Welfare Fund will be provided by the Government. Further, to augment revenue for the said Fund, the Bar Council of Tamil Nadu and Puducherry has recommended to enhance the value of the Advocates Welfare Fund Stamp and to increase the annual subscription, life-time subscription, re-admission fee, registration fee, and to provide for issue of "e-Stamp". The said Council has further recommended to prohibit a person to be admitted to the Fund, who is in receipt of pension, gratuity or other terminal benefits from any State or Central Government or Other Authorities.

3. The Government have decided to accept the recommendations of the Bar Council of Tamil Nadu and Puducherry and to amend the said Tamil Nadu Act 49 of 1987 suitably for the aforesaid purposes.

4. The Bill seeks to give effect to the above decision.

S. REGUPATHY,
Minister for Law.

Secretariat,
Chennai-600 009,
10th December 2024.

K. SRINIVASAN,
Principal Secretary.