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TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 22nd April 2022 and is hereby published for general information: —

ACT No. 21 OF 2022.

An Act to provide for the constitution of a Welfare Fund for the benefit of Document Writers in the State.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Document Writers' Welfare Fund Act, 2022.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Committee" means the Tamil Nadu Document Writers' Welfare Fund Committee established under section 4;

(b) "dependant" means any of the following relative of a deceased member of the fund, namely:—

(i) widow or widower, minor son, un-married daughter or widowed mother;

(ii) a son who has attained the age of eighteen years or a married daughter, who is wholly dependent on the earnings of the member at the time of his death and is infirm;

(c) "document writer" means a person who has been granted licence under the Tamil Nadu Document Writers' Licence Rules, 1982;

(d) "Document Writers Association" means an association of document writers recognised and registered under section 17;

(e) "fund" means the Tamil Nadu Document Writers' Welfare Fund constituted under section 3;

(f) "Government" means the State Government;

(g) "member of the fund" means a document writer admitted to the benefits of the fund under the provisions of this Act;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "State" means the State of Tamil Nadu.

Document Writers' Welfare Fund.

3. (1) The Government shall, by notification, constitute a fund to be called as the Tamil Nadu Document Writers' Welfare Fund.

(2) The following shall be credited to the fund,—

(a) all sums collected from document writers for admission as a member of the fund under section 19;

Central Act XVI of 1908.

(b) all amounts collected at a rate not exceeding fifty rupees, as may be prescribed, per document presented in any of the office of the Sub-Registrar for registration under the Registration Act, 1908:

Tamil Nadu Act 20 of 2017.

Provided that this clause shall not apply to any document presented for registration on behalf of the Central Government or the State Government or Local Authority as defined in clause (11) of section 2 of the Tamil Nadu Local Authorities Entertainments Tax Act, 2017.

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Establishment of Document Writers' Welfare Fund Committee.

4. (1) The Government may, by notification, establish with effect on and from such date as may be specified therein, a Committee to be called as the Tamil Nadu Document Writers' Welfare Fund Committee.

(2) The Committee shall be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and shall, by that name, sue or be sued.

(3) The Committee shall consist of,—

(a) the Inspector General of Registration, Registration Department – *ex-officio* Chairman;

(b) the Additional Registrar of Chits – *ex-officio* Secretary;

(c) the Personal Assistant (Chits) – *ex-officio* Treasurer;

(d) the Director, Registration Training Institute – *ex-officio* member;

(e) the Accounts Officer, office of the Inspector General of Registration – *ex-officio* member;

(f) four members to be nominated from among the Document Writers' Association by such authority and in such manner as may be prescribed.

(4) A member nominated under clause (f) of sub-section (3) shall hold office for a term of three years or until he ceases to be a member of the Document Writers' Association, whichever is earlier.

Disqualification and removal of nominated members of Committee.

5. (1) A member nominated under clause (f) of sub-section (3) of section 4 shall be disqualified to be a member of the Committee, if he,

(a) becomes of unsound mind; or

(b) is adjudged as an insolvent; or

(c) is absent without leave of the Committee for more than three consecutive meetings of the Committee:

Provided that the member ceasing to hold office under this clause may be restored by the Committee, if such member makes an application for condonation of the absence; or

(d) is a defaulter to the fund or has committed breach of trust; or

(e) is convicted by a criminal court of any offence involving moral turpitude.

(2) The Government may remove any member who is or has become disqualified under sub-section (1) from the membership of the Committee:

Provided that no order removing any member shall be passed unless the member has been given an opportunity of making his representation.

Resignation by nominated members of Committee and filling up of casual vacancies.

6. (1) Any member nominated under clause (f) of sub-section (3) of section 4, may resign his office by giving three months notice in writing to the Chairman of the Committee and on such resignation being accepted by the Chairman, he shall be deemed to have vacated his office.

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(2) Any casual vacancy in the office of a member referred to in sub-section (1) shall be filled up, as soon as may be, and a member so nominated to such vacancy shall hold office for the residue of the term of his predecessor.

Act of Committee not to be invalidated by defect, etc.,

7. No act done or proceeding taken under this Act or the rules made thereunder by the Committee shall be invalidated merely by reason of,—

(a) any vacancy or defect in the constitution of the Committee; or

(b) any defect or irregularity in the nomination of any person as a member thereof; or

(c) any defect or irregularity in such act or proceeding not affecting the merits of the case.

Vesting and utilisation of fund.

8. The fund shall vest in, and be held by the Government. The Government shall release such amounts from the fund, in such manner as may be prescribed, twice a year to the Committee. The Committee shall utilise such amounts, subject to the provisions of, and for the purposes of this Act.

Administration of fund.

9. (1) The fund shall be administered by the Committee.

(2) In the administration of the fund, the Committee shall, subject to the provisions of this Act and the rules made thereunder,—

(a) receive applications through the District Registrar (Administration) for admission or re-admission to the fund, and dispose of such applications within ninety days from the date of receipt thereof;

(b) receive applications from the members of the fund, their nominees or legal representatives, as the case may be, for payment out of the fund, conduct such enquiry as it deems necessary, for the disposal of such applications, and dispose of the applications within five months from the date of receipt thereof;

(c) record in the minutes book of the Committee its decisions on the applications;

(d) the Committee shall provide the following benefits, after due verification as may be prescribed and pay the amount to such applicants, at the rates specified in the Schedule, subject to the availability of the fund for —

(i) accidental death benefit or permanent disability or other partial disability benefit of a member of the fund;

(ii) natural death benefit of a member of the fund;

(iii) marriage assistance to the member's marriage or to his son or daughter's marriage;

(iv) maternity benefit to a female member of the fund;

(v) spectacles benefit to a member of the fund;

(vi) educational benefit to the children of a member of the fund;

(vii) pensionary benefit to former members of the fund; and

(viii) funeral assistance to a member of the fund or to his or her spouse;

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(e) the Committee shall send such periodicals and annual reports to the Government, as may be prescribed;

(f) communicate to the applicants, through registered post, the decisions of the Committee in respect of applications for admission or re-admission to the fund or claims to the benefit of the fund; and

(g) do such other acts as are, or may be, required to be done under this Act and the rules made thereunder.

Delegation of functions of Committee.

10. The Committee may, with the previous approval of the Government, delegate to the Chairman or to the Secretary such of its functions under this Act or the Rules made thereunder as it may consider necessary, for the effective management of the fund, subject to such restrictions and conditions, as it may deem fit.

Accounts and Audit.

11. (1) The Committee shall maintain such accounts and books as may be prescribed.

(2) The accounts of the Committee shall be audited annually by a Chartered Accountant, appointed by the Committee.

(3) The accounts, as certified by the Chartered Accountant together with the audit report thereon, shall be forwarded to the Government by the Secretary of the Committee within a period of six months from the end of the financial year.

(4) The Committee shall comply with such directions as the Government may on perusal of the report of the auditor, deem fit to issue.

Powers and duties of Secretary.

12. The Secretary of the Committee shall,—

(a) be the Chief Executive Officer of the Committee and responsible for carrying out its decisions;

(b) represent the Committee in all suits and proceedings for and against the Committee;

(c) authenticate by his signature in all decisions and all instructions of the Committee;

(d) operate the bank account of the Committee jointly with the Treasurer;

(e) convene meetings of the Committee and prepare its minutes;

(f) attend the meetings of the Committee with all necessary records and information;

(g) maintain such Forms, registers and other records, as may be prescribed, from time to time, and do all correspondence relating to the Committee;

(h) prepare an annual statement of business transactions of the Committee during each financial year; and

(i) do such acts as may be directed by the Committee.

Meetings of Committee.

13. (1) The Committee shall meet at least once in three months or more often, if found necessary, to transact its business.

(2) Five members of the Committee shall form the quorum for a meeting of the Committee.

(3) The Chairman or in his absence, a member elected by the members present at the meeting shall preside over a meeting of the Committee.

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(4) Any matter coming up before a meeting of the Committee shall be decided by a majority of the members present and voting at the meeting and, in the case of equality of votes, the Chairman or the member presiding over the meeting shall have and exercise a casting vote.

Travelling and daily allowance to members of Committee.

14. The nominated members of the Committee shall be eligible to get such travelling allowance and daily allowance as may be prescribed.

Review.

15. The Committee may, *suo-motu* at any time or on an application from any interested person within ninety days of any order passed by it, review any such order:

Provided that the Committee shall not pass any order adversely affecting any person unless such person has been given an opportunity of making his representation.

Power to summon witnesses and take evidence.

16. The Committee shall, for the purposes of any enquiry under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

Central Act V of 1908.

(a) enforcing the attendance of any person or examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavit; and

(d) issuing commission for the examination of witnesses.

Recognition and Registration of Document Writers' Association.

17. (1) (a) All associations of Document Writers functioning in any district may, before a date to be notified by the Committee in this behalf; and

(b) any such association of Document Writers constituted after the commencement of this Act,

may apply to the Committee in such Form and in such manner, as may be prescribed, for recognition and registration as an association of Document Writers' under this Act.

(2) Every application for recognition and registration shall be accompanied by the rules or by-laws of the association, names and addresses of the office bearers of the association and an upto date list of the members of the association with name, address, age and the ordinary place of employment of such member.

(3) The Committee may, after such enquiry as it deems necessary, recognise such association of Document Writers and issue a certificate of recognition and registration in such Form as may be prescribed.

(4) The decision of the Committee regarding the recognition and registration of an association shall be final.

Duties of Document Writers' Association.

18. (1) Every Document Writers' Association shall, on or before the 15th April of every year, intimate to the Committee, a list of its members as on the 31st March of that year.

(2) Every Document Writers' Association shall intimate to the Committee of,—

(a) any change of the office bearers of the Document Writers' Association within fifteen days of such change;

(b) any change in number of members including admission and re-admission within thirty days of such change;

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(c) the death or retirement of any of its members within thirty days from the date of occurrence thereof; and

(d) such other matter as may be required by the Committee, from time to time.

Membership of fund.

19. (1) Every document writer may apply to the Committee, in such Form and in such manner as may be prescribed for admission as a member of the fund.

(2) On receipt of an application under sub-section (1), the Committee shall make such enquiry as it deems fit and either admit the applicant to the fund or reject the application for reasons to be recorded in writing:

Provided that no order rejecting an application shall be passed unless the applicant has been given an opportunity of making his representation.

(3) Every applicant shall pay to the fund an admission fee of Rs.1000/- (Rupees One Thousand only) at the time of admission or re-admission.

(4) Every member of the fund shall, at the time of admission, make a nomination conferring on one or more dependants the right to receive the amount from the fund in the event of his death. If more than one person is nominated, the amount of share payable to each nominee shall be specified in the nomination.

(5) A member of the fund may, at any time, cancel a nomination by sending a notice in writing to the Committee along with a fresh nomination.

(6) Where on receipt of a complaint or otherwise, the Committee has reason to believe that any Document Writer secured admission as a member of the fund by misrepresentation, fraud or undue influence, it shall be competent for the Committee to remove the name of such Document Writer from the membership of the fund:

Provided that no order under this sub-section shall be passed unless the person likely to be adversely affected has been given an opportunity of making his representation.

(7) A member of the fund may voluntarily withdraw his membership of the fund.

Cessation of membership.

20. A member of the fund on—

(i) voluntary withdrawal of his membership;

(ii) surrender or cancellation of his licence under the Tamil Nadu Document Writers' Licence Rules, 1982; or

(iii) removal of his membership by the Committee,

shall cease to be the member of the fund.

Payment of pension on cessation of membership.

21. (1) An application for payment of pension from the fund on account of cessation of membership shall be made to the Committee in such Form, as may be prescribed.

(2) An application received under sub-section (1) shall be disposed off by the Committee after such enquiry as it deems necessary.

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(3) Any person who has been a member of the fund for a period of not less than fifteen years or for a period not less than ten years and has completed sixty years of age, on surrender of the licence granted under the Tamil Nadu Document Writers' Licence Rules, 1982 shall be entitled to receive pension from the fund at such rate specified in the Schedule:

Provided that a person who has ceased to be a member of the fund at any time due to permanent disablement shall also be entitled to receive pension.

(4) A member, whose licence has been cancelled under the Tamil Nadu Document Writers' Licence Rules, 1982 or a member who has been removed from the membership of the fund by the Committee shall not be entitled to receive pension from the fund.

Restriction on alienation, attachment, etc., of interest of member in fund.

22. (1) The interest or the right of a member of the fund or his nominee or legal heirs to receive any amount from the fund, shall not be assigned, alienated or charged and shall not be liable to attachment under any decree or order of any court, tribunal or other authority.

(2) No creditor shall be entitled to proceed against the fund or the interest therein of any member of the fund or his nominee or legal heirs.

Explanation.—For the purpose of this section, "creditor" includes the State, or an official assignee or official receiver appointed under the law relating to insolvency for the time being in force.

Power to amend Schedule.

23. The Government may, by notification, on the recommendation of the Committee, amend the Schedule.

Protection of action taken in good faith.

24. (1) No suit, prosecution or other legal proceeding shall lie against any person or anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

(2) No suit or other legal proceeding shall lie against the Committee or the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

Power to remove difficulties.

25. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette,* make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

Power to make rules.

26. (1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made or notification or order issued by the Government under this Act, shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly and if, before expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or notification or order or the Legislative Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

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THE SCHEDULE

[See sections 9(2) and 23]

S.No.	***Benefits***	***Amount (Rs.)***	
1.	(a) Accidental death benefit.	1,00,000	
	(b) Permanent disability benefit.		
	(c) Partial disability benefit.	20,000	
2.	Natural death benefit.	20,000	
3.	Marriage assistance— (a) Male:- (b) Female:-	 8,000 10,000	
4.	Maternity benefit.	6,000	
5.	Spectacles benefit.	1,500	
6.	Educational benefit for— (a) Secondary School Leaving Certificate Scholarship for study. (b) Secondary School Leaving Certificate Pass.	 1,000 1,000	
	(c) Higher Secondary School Certificate scholarship for study.	1,500 (per annum)	
	(d) Higher Secondary School Certificate Pass.	1,500	
	(e) I.T.I.	Day Scholar (per annum)	Hosteller (per annum)
		2,000	2,500
	(f) Diploma Course	2,000	2,500
	(g) Degree Course	3,000	3,500
	(h) Master Degree or Professional Degree student.	10,000 (per annum)	
7.	Pensionary benefit.	1,500 (per month)	
8.	Funeral assistance.	5,000	

(By order of the Governor)

C. GOPI RAVIKUMAR,
Secretary to Government (Legislation),
Law Department.

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