

**THE ENROLMENT COMMITTEE OF THE BAR COUNCIL OF
TAMIL NADU AND PUDUCHERRY**

Mr.R.Singaravelan, Senior Advocate, Member

Mr.N.Chandrasekharan, Member

Dated the 21th day of December2018.

ORDERS

1) Being the last working date of the year 2018 in the interest of all, the Bar Council staffs under the head of the Secretary worked day and night and prepared the final Enrolment list of nearly 534 candidates for enrolment.

2) Each and every candidate at the time of submitting the Enrolment Application before the Bar Council of Tamilnadu and Puducherry has given detailed declaration in FORM II found which is the part and parcel of Enrolment Application. The undertaking given by each candidate is reproduced below for the all concerned :-

FORM II

DECLARATION TO BE MADE BY APPLICANTS

- 1 *I do hereby undertake if after my admission as an advocate I accept full or part time service or I am engaged in any trade, business or profession (other than such as is exempted by the State Bar Council from the operation of this undertaking) I shall forthwith inform the Council of such employment or engagement and shall cease to practice as an advocate.*
- 2 *I do hereby undertake that I shall not accept any employment which, in the opinion of Bar Council, is derogatory to the status of an Advocate.*
- 3 *I do hereby declare that I am not in full or part time Service or employment and that I am not engaged in any trade, business or profession.*
- 4 *I do hereby declare that upon admission as Advocates, I propose to practice within the State of Tamil Nadu or in union Territory of Pondicherry.*
- 5 *I do hereby declare that I will faithfully observe and abide by all rules made by the Bar Council of Tamil Nadu and the Bar Council of India as amended from time to time for regulating the conduct of Advocates on the State Roll.*
- 6 *I do hereby declare that I have not made any previous application for admission as an Advocate to any other Bar Council.*
- 7 *I do hereby undertake that as per Sec.22 (2) of the Advocates Act 1961, I will intimate the Bar Council of Tamil Nadu whenever a change of my address is made, within Ninety Days of such change.*
- 8 ***I DO HEREBY UNDERTAKE THAT I WILL NOT PRINT OR PUBLISH POSTERS, PAMPHLETS, INVITATION CARDS ADVERTISEMENT OTHER THAN THE NOTIFICATION TO BE PUBLISHED AS IN FORM IV OF THE ENROLMENT APPLICATION FORM.***

9 *I do hereby undertake that I will not bring any of my friend and relatives except my mover inside the Bar Council campus when I am enrolled.*

10 ***I DO HEREBY UNDERTAKE THAT I WILL NOT BURN OR PERMIT MY FRIENDS OR RELATIVES TO BURN CRACKERS NEAR THE BAR COUNCIL PREMISES AT THE TIME OF MY ENROLMENT.***

Date:

Signature

3) The above clause in FORM II in nutshell commands the Applicant applied for Enrolment not to involve in affixing the poster, bursting the crackers, raising their voice, blessing or attacking anyone of us in such a decimal, making the ears of anyone who unfortunately happen to hear the said noise get their ear drums torn and garlanding the Enrolled Advocates and cracking the crackers like the cracks at the entrance of the Bar Council of Tamilnadu and Puducherry which is on the main road in front of the Police security booth and on the road.

4) The Advocates including the Secretary and the Special Committee Member Mr.N.Chandrasekaran used to park their Cars in front of the Bar Council of Tamilnadu and Puducherry including Cars of common people and Advocates. If any spark of the fire touches the car fuel tank it will devastate the entire High Court building and Bar Council building including the Police booth. It is to be noted that most of the Hon'ble Judges used to leave after their heavy work only by 7.30 p.m. to 8.00 p.m.

5) The enrolled candidates do not seem to have understood the implication of their Anti-social activities on 21.12.2018 violating their own undertaking.

6) Sensitive matters were posted before the Enrolment Committee, involving serious fight between the Association and others. After 5.00 p.m. the Disciplinary Committee had to deal with nearly 12 complaints and the first complaint is referred by the Hon'ble High Court against the advocates related to three or four bogus claims for the same accident. At 6.00 p.m onwards we could not be able to discharge our duties under the Advocates Act 1961. At our request the Police made repeated requests and the Bar Council also warned. They refused to get dispersed and making more noise against the Police and the Bar Council.

7) I requested Mr.Ramakrishnan Sub-Inspector of Police, B2 Police Station, Chennai to control the mob by giving announcement in their mike that their Enrolment Certificate should be stopped, if they would not stop the noise.

8) It is to be mentioned here that the Special Committee Member Mr.R.Singaravelan, Designated Senior Advocate is suffering from high fever for the last 5 days with acute headache and body pain and with great difficulties he was accomplishing the task with the help of the Enrolment Committee Member Mr.N.Chandrasekaran, who is also a Senior Special Committee Member and other two Disciplinary Committee Members namely Mr.S.Ilamvaluthi and Mr.Ravi Shanmugam. Even after finishing their work they could not be able to go through the crowd and reach their place.

9) The very painful question arisen in our mind is as to whether the Enrolment of an Advocate warranted such a politically oriented event as if he was elected to the Assembly or Parliament. If these Advocates are permitted to get Enrolment Certificate immediately the incident repeatedly would occur.

10) It happens that because of many recommendations made through so many Association Leaders giving pressure to the Bar Council staffs who are unarmed and the local police stands outside of the compound have also no other option except to watch the unruly atrocities adumbrated by the newly Enrolled candidates and then who else can control them and solve the long standing problem of violation of FORM II Declaration on the date of Enrolment itself also the Oath taken by them an hour before. It makes us to spend sleepless nights and ultimately we have chosen to pass the following order:-

- i. Are all the applicants for Enrolment who resorted to grand function on the Road at the cost of Public interest have taken part in any public interest oriented activities for the Welfare of the society during their college days or are their parents were Thiyagies who got independence for the Nation to celebrate their Enrolment.
- ii. Had their Forefathers worked for society like Mr.Harinaran Srinivasan who lost his entire life for the Noble cause of leprosy patients who made their limbs normal by his invention?
- iii. Or atleast are they the legal heirs of the popular Doctor at Vanarapettai, who started his practice by charging Rs.2 and later Rs.5 and died on yesterday that is 20.12.2018 at the age of 70.
- iv. Or atleast are they Legal heirs of popular oriented Doctor at Trichy called Thiru.Jayapal who used to treat all the patients without any charge or atleast are they descendants of popular Cardiologist Dr.Chinnaiappan who has taught all the moffussil Doctors the ECG

technique and how to give the required first Aid at his cost to save the life of poor villagers before taking them to the nearby Hospital throughout the State. They all know that they do not belong to any of the above categories and even if they do, it will be a violation and action will be taken. Then why should we show any consideration to all the candidates who got enrolled on 21.12.2018 and except very few gathered in various places in and around the High Court and the Bar Council and continuously raised their noise as evidenced from the Video cameras in and around the Bar Council. No ladies after finishing their work could be able to catch the bus and no public could be able to catch the auto and go to the railway station.

- v. We do ask all of them a question as to when your sisters or brothers who attended the function suddenly developed heart attack what would have been your position?

6) We are really wondering as to how the Enrolment Applications got heaped like a Mountain Himalaya. From 2010 to till date nearly forty thousand Advocates got enrolled in the Bar Council of Tamilnadu and Puducherry alone. On average of Five thousand two hundred Advocates atleast per year used to get Enrolled in the Bar Council of Tamilnadu and Puducherry. On the date of Enrolment the human cries, noise, drum beating voice and atrocities of the newly enrolled Advocates are unbearable even to us who are benificeries of such an Enrolment and then how the public could be able to react this type of atrocity is the question, which has been frequently disturbing us to pass the following orders in the interest of the State, Society and genuine Advocates and the Courts.

- i. The Enrolment taken place on today that is 21.12.2018 will be subjected to the scrutinisation of verification of the video C.D and only after that the Enrolment certificate will be issued with date on which it is issued.
- ii. The Secretary is directed to conduct Enrolment hereafter on every Wednesday and Saturday on the basis of the date of their Enrolment Application and the satisfaction of all the formalities and the Enrolment should not exceed 75 candidates per occasion.

- iii. On Wednesday evening 5.30 p.m. and on Saturday after 11.30 a.m. will be the time for the Enrolment constantly.
- iv. The enrolment will take place in the Hall annex to the Chairman's Room. At any cost more than 150 candidates won't be permitted for the Enrolment every week inspite of any recommendation from any higher authorities. At the time of Enrolment except their parents or any of the two sisters or brothers of the candidate will be permitted to stand in front of the Bar Council premises. The enrolled Advocates should not burst crackers and beat drums or cause mental as well as the physical threats as if someone has passed away and hence all the ceremonies are being celebrated for that. But, everyone knows that the Enrolment is a holy ceremony and not a funeral ceremony.

7) We know that there will be objections from the Elected Bodies of the Association and the State Bar Council Elected Members. But, with respect to all of them and with my folded hands convey the message to the Hon'ble Bar Council that our life must be realised meaningful when we breath our last and we should have done atleast a bit good to the society to which we are living.

8) This order will continue till our office continues and we hope that Elected Bar Council Members of this year are the Learned Members Law Oriented and Good hearted. They will not object to the above order and they will also follow the same.

9) The order is to be communicated in the website of the Bar Council of Tamilnadu and Puducherry.

10) We have not chosen to pass any order of punishment against the newly enrolled candidates on 21.12.2018 though all their activities witnessed through the Bar Council of Tamil Nadu and Puducherry video cameras would reveal that they have blindly violated FORM II and the Oath they have undertaken before the Committee from an hour before. For such a conduct we could have imposed heavy costs or suspended their Enrolment atleast for two months or refer the matter to the Disciplinary Committee. But, we do not want to do so as our intention is not the punishment but correction and at the same time, I hope that all the 534 candidates can pay atleast a sum of Rs.1000/- towards the

Chief Minister's relief Fund for Gaja Cyclone to the poor people to save them from the crisis. It is not mandatory but only discretionary.

11) We make it very clear in case of any violation of FORM II or Oath in future they will be subjected to the Disciplinary Committee proceedings with an interim order of suspension. We will not show any mercy as 'mercy or sympathy' can be shown personally but no authority in the world is entitled to show any sympathy at the cost of public. So, we declare that will not be sympathetic for any Enrolment in further and any violation of FORM II in manner will disqualify the enrolled candidates from practice in accordance with law.

12) No cost.

Sd/-XXX
(R.SINGARAVELAN)
Senior Advocate,
Member

Sd/-XXX
(N.CHANDRASEKHARAN)
Member

CERTIFIED AS TRUE COPY

P. Jeyaraj
28/12/18

**ASSISTANT SECRETARY
BAR COUNCIL OF TAMIL NADU & PUDUCHERRY**

**BEFORE THE ENROLMENT COMMITTEE OF THE BAR COUNCIL
OF TAMIL NADU AND PUDUCHERRY**

Mr.R.Singaravelan, Senior Advocate, Member

Mr.N.Chandrasekharan, Member

Dated the 21th day of December 2018.

ORDERS

1) In spite of Form-II Declaration submitted by the candidates who all have applied for Enrolment, the candidates namely Mr.G. Jagadeesan, Mr. S. Sudhakar, Mr. P. Mohanasundaram, Mr. P. Mahendiran, Mr. A. Prabakaran, Mr.M.Praveen Kumar, G.Kannan, P.Ramki, Mr.M.Yuvaraj, Mr.Manikandan and Ms.Vinothini have affixed big poster as if they have served for this Country or been serving for needy like Dr.Jaya Chandran of Vyasarpadi the place from which the advocates hailing from big size photographs in and around the Hon'ble High Court and throughout the State creating a sense of fear and confusion to the mind of the common people as if they are elected or nominated for the Bar Council.

2) It is very painful to note that even before the commencement of their profession they have behaved in such a manner creating ugly atmosphere to the society. The Advocates and Doctors are meant for serving the public, particularly poor and needy. They are meant to uphold justice without any fear or favour. A lawyer is a person who should be fearless in putting forth the grievances of his clients alone to the Court and not meant for blowing his own trumpet as it is not only against the equal professional interest of all other Advocates but also against the interest of the public.

3) The above mentioned Advocates came with their representatives and pleaded for mercy by contending that their relatives have come from different parts of the State and one person is fatherless and one person is motherless. All belong to the first generation lawyers and young. As they have realised their mistake and pleaded for mercy the question arises before this Committee is as to whether the mercy can be shown or not.

4) Each and everyone after Committing a mistake pleads for mercy or formally using a word apology or sorry and escapes from the clutches of law. When the above advocates have pleaded for mercy in respect of the affectation of my personal interest, definitely I would have shown mercy. But unfortunately at the cost of public interest and the public body no authority in this Country to my

conscience is empowered or entitled to show mercy to anyone who has violated the Code of Conduct prescribed by Law or prescribed in the form of Form II Declaration undertaken to be followed by them. Further if mercy is shown there will be no end for this type of violation and we cannot draw a line after line to bring every mistake within the permissible limits, which definitely affect the basic feature of the Indian Constitutional structure. In such of a matter we direct the Secretary to permit the candidates who have chosen to appear before the Committee and tender apology for enrolment on payment of Rs.10,000/- cost for the welfare of the Bar Council of Tamilnadu and Puducherry by way of Cheque or DD or Cash with an Affidavit of apology before the time of Enrolment failing which their Enrolment can be kept in abeyance.

5) The Secretary, Bar Council of Tamilnadu and Puducherry is directed to communicate this order by Bar Council Website and give wider publicity to all the persons concerned to avoid the repetition of such occurrence in future.

Sd/-XXX
(R.SINGARAVELAN)
SENIOR ADVOCATE
MEMBER

Sd/-XXX
(N.CHANDRASEKHARAN)
MEMBER

CERTIFIED AS TRUE COPY

[Handwritten signature and date]
28/12/18

ASSISTANT SECRETARY
BAR COUNCIL OF TAMIL NADU & PUDUCHERRY