

Papers 1971-2007

## INTRODUCTION

The papers consist of 6 boxes. They mainly include documents relating to Shun Chetty's professional activities as an attorney in Johannesburg and Durban during the apartheid era as well as documents relating to the striking off Mr Chetty from the roll of attorneys. There are also documents concerning Mr Chetty's applications to the High Court of South Africa for his reinstatement as an attorney. This collection was lodged in Historical Papers by S.Chetty's wife Dr Fazila (Varachia) Chetty in 2008.

## SHORT BIOGRAPHY

Shun N. Chetty was born in 1941 in Durban. He was educated in Kwazulu-Natal and graduated in 1968 from the University College in Durban with a Law degree. He has been admitted to practice as an attorney in 1971. From 1974 up to 1979 Chetty practiced under the name of Shun Chetty and Company. During this time he was involved in political activities and acted on behalf of various members of the ANC, the PAC, the Black Consciousness Movement and in the Trial after the 1976 uprisings. In 1979 he fled South Africa, leaving the country illegally without a passport which was seized earlier by the police. In 1980 at the instance of the Law Society of the Transvaal, his name was struck off the roll of attorneys by the High Court of South Africa. While living abroad S.Chetty applied to the High Court of S.A for reinstatement as an attorney albeit unsuccessfully.Chetty worked for the United Nations High Commission for Refugees in Geneva. He was also the Legal Advisor for Asia and Thailand. In 1995 Chetty moved to Australia where he was appointed as Chief Executive Officer of the Refugee Review Tribunal.In 1998 he returned to South Africa and was the Regional Representative in Pretoria of the International Organization for Migration.A year later he once more applied to the High Court of S.A. for reinstatement as an attorney in order to pursue a career within the legal profession. Chetty died in 2000 and was only reinstated posthumously in 2006.

## INVENTORY

- A. PERSONAL DOCUMENTS
  - A.1 Curriculum Vitae
  - A.2 Documents relating to the higher education and qualifications of S. Chetty as an attorney.
  - A.3 Documents relating to S.Chetty's Principal membership of Australia's Refugee Review Tribunal.
  
- B. Documents illustrating police findings in the case against S. Chetty by the State accusing him of contravention of Section 47c (iii)of ACT No 8 OF 1959.

- B.1 Records of S. Chetty's representation of 13 Accused in Pretoria Terrorism Trial and the defence of 20 students participants in the 1976 uprisings.
- B.2 Newspaper cuttings for the period of 1979 to 1980 about Chetty's departure from South Africa in 1979.
- C. Documents submitted and presented by The Law Society of the Transvaal before the Supreme Court of South Africa against Chetty in application for striking him off the roll of attorneys.
  - C.1 Notice of Motion presented by the Applicant, The Law Society of the Transvaal against Chetty, March 1980.
  - C.2 Affidavits by members of the Law Society confirming Chetty's appearance before the Council of the Law Society on the 9th May 1979.
  - C.3 Verbatim Report of a Special Disciplinary Committee meeting discussing Chetty's misconduct.
  - C.4 Correspondence.
  - C.5 Court order in case No M.235/79 prohibiting Chetty from operating his banking account.
  - C.6 Verbatim Transcript of the Proceedings under Attorney's Act into the conduct of Chetty.
  - C.7 Reports of the inspection of the books and records of the account " Messrs. S. Chetty and Company of Johannesburg" 18th March 1980
  - C.8 Court order in case No M.765/80 concerning Chetty's striking off the roll of attorneys of the Supreme Court of South Africa.
    - C.8.1 Annexures (from" G" to" Q") for case No M.765/80. They include: Correspondence with the Law Society concerning his clients, testimonies of of some witnesses and financial records of his company.
    - C.8.2 Affidavit of an attorney Louis G.T. Wessels for the applicant S. Chetty and his Submission of an answering affidavit to the Supreme Court of South Africa.
    - C.8.3 First judgement of the Supreme Court of South Africa against S. Chetty dated 16th September 1980.
  - C.9 Case No M.2351/79, The matter of the Application of The Law Society of the Transvaal (Applicant) and Shun Chetty, 13th August 1979. Includes Notice of Motion and attached documents.
- D. Submission of documents by S. Chetty in 1981 to the Supreme Court of South Africa requesting his reinstatement as an attorney.
  - D.1 Notice of Motion from the Applicant's Attorneys.
  - D.2 Affidavit of S. Chetty submitted in his appeal for the rescission of the Judgement against him and the reinstatement on the roll of attorneys sent from Bangkok, Thailand to the Supreme Court of South Africa, 21st April 1980
  - D.3 Correspondence of Legal Firm Bowman, Gilfillan & Baacklock, Inc. acting on behalf of S. Chetty assisting him with the application for the reinstatement as an attorney, (1980).
  - D.4 Financial records from auditing of S. Chetty's legal company.
    - D.4.1 Affidavit of an attorney Olivier John Barret and other documents illustrating activities of the South African Council of Churches. The "Asingeni Relief Fund" and its operations after 1976.

- D.5 Answering Affidavit on behalf of The Law Society of the Transvaal in case No /69161/81 in the matter between S. Chetty (Applicant) and The Transvaal Law Society (Respondent) presented by the President of the Society, 31st August 1981.
- D.6 Statements and affidavits of some of S. Chetty's clients legally represented by him after their arrests.
- D.7 Affidavits of attorneys of the Supreme Court of South Africa commenting on Chetty's answering affidavit of 1981.
- D.8 The second judgment against S. Chetty in case No 6916/81 rejecting his Application, 17th November 1982.
- D.9 Replying affidavit from S. Chetty to the Transvaal Law Society sent to them from Bangkok, 15th October 1981.
- E. Second submission of documents by S. Chetty to the Supreme Court of South Africa (Appellate Division) in application for the reinstatement as an attorney.
- E.1 Main heads of argument on behalf of the appellant in the matter between: Shunmugam N. Chetty (Appellant) and The Law Society of the Transvaal (Respondent) presented on behalf of the Appellant by lawyers E.M.Wentzel and L.G.Bowman, Johannesburg, 9th May 1984.
- E.2 Affidavit of S. Chetty answering the allegations against him, 21 April 1981.
- E.3 Main heads of argument on behalf of the respondent in the matter between Shun N. Chetty (Appellant) and The Law Society of the Transvaal (Respondent). Case No 524/82, 16th July 1984
- F. Third submission of documents by S. Chetty to The High Court of South Africa for the reinstatement as an attorney.
- F.1 Founding Affidavit of S. Chetty, 1999.
- F.2 Notice of Motion submitted on behalf of S. Chetty by his legal Representatives.
- F.3 Copy of S. Chetty's original affidavit answering allegations made against him by the Law Society of the Transvaal.
- F.4 Correspondence of a legal firm Bowman, Gilfillan & Blacklock, Inc. concerning S. Chetty's case of opposing the Law Society Application.
- F.5 Correspondence of S. Chetty with the detainees arrested by S.A. police represented by him in court.
- F.6 Financial records of S. Chetty's legal firm.
- F.6.1 Affidavit of an attorney Olivier John Barret concerning usage of some funds of SACC by S. Chetty.
- F.6.2 Affidavit of an accountant Joseph A.G. Turner examining financial records of S. Chetty's legal company.
- F.6.3 Documents relating to trust funds of S. Chetty's company.
- F.7 Supporting and additional documents of the case No 765/80 against S. Chetty.
- F.7.1 Notice of Motion in case No M.765/80 presented by an attorney Wessels.
- F.7.2 Founding affidavit made by the president of the Law Society attorney Schalk Willem Van Der Merwe.

- F.7.3 Annexures "A – E1" of the founding affidavit of the members of the Law Society of Transvaal.
- F.7.4 Annexure "E2" containing "A Verbatim Report of a Special Disciplinary Committee Meeting held on 9th May 1979.
- F.7.5 Chetty's affidavit answering the allegations against him made by The Law Society of the Transvaal.
- F.7.6 Annexures SC 1 – SC 10 containing letters from legal firms relating to S. Chetty's case.
- F.7.7 Annexures SC 11 – SC 67 containing correspondence and affidavits of some of the detainees arrested by police between 1977-1978 assisted legally by S. Chetty.
- F.7.8 Judgement in case No 765/80 against S. Chetty dated 16th September 1980.
- F.7.9 Replying Affidavit of S. Chetty against his judgement.
- F.7.10 Judgement against S. Chetty in case No 6916/81.
  
- G. Documents illustrating all three judgements against S. Chetty taken by The Law Society of Transvaal.
  - G.1 First Judgement of 1980.
  - G.2 Second Judgement of 1982.
  - G.3 Third Judgement of 1984.
  - G.4 Additional documents from the "SA Law Reports" 1981- 1985 relating to all three judgements.
  
- H. Documents submitted in 2003 to the High Court of South Africa by wife of S. Chetty, Mrs Fazila Chetty for posthumous reinstatement of her husband as an Attorney of the High Court.
  - H.1 First submission of documents by Fazila Chetty to the High Court of South Africa for reinstatement of her husband to the roll of attorneys, May 2003
  - H.2 Application of Fazila Chetty with supporting documents for posthumous reinstatement of S. Chetty, 18th September 2003.
  - H.3 Documents illustrating some Parliamentary Debates related to the reinstatement of certain deceased legal practitioners.
- I. Application for the posthumous reinstatement of the enrolment of Shun.N. Chetty as an attorney of the High Court with supporting documents in case No 6153/2006 on roll 22nd August 2006.
  - I.1 Court order and judgement reinstating posthumously S. Chetty on the roll the attorneys, 22 August 2006.
  - I.2 Correspondence.
    - I.2.1 Correspondence between S. Chetty and legal firms for the period of 1979- 1999. It includes: letters relating to S. Chetty's case, his appeal for reinstatement as an attorney and personal letters to friends and legal professionals.
    - I.2.2 Correspondence for the period of 1997- 1998 relating to S. Chetty's Application for the reinstatement as an attorney.
    - I.2.3 Correspondence including some e-mails for the period of 2000 – 2007 concerning readmission of S. Chetty as an attorney.
- J. Newspaper clippings.
- K. Submission to the Truth and Reconciliation Commission by the Association of Law Societies of South Africa, 28 October 1997

- L. Legal document entitled: "Requirements for admission as an attorney - Section 15 of the Attorneys Act of 1979.