

THE KERALA ADVOCATES' WELFARE FUND
(AMENDMENT) BILL, 2016

(As passed by the Assembly)

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BILL

further to amend the Kerala Advocates' Welfare Fund Act, 1980.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Advocates' Welfare Fund Act, 1980 for the purposes hereinafter appearing;

BE it enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Advocates' Welfare Fund (Amendment) Act, 2016.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Kerala Advocates' Welfare Fund Act, 1980 (21 of 1980) (hereinafter referred to as the principal Act),—

(i) for clause (a) the following clause shall be substituted, namely:—

“(a) “actual practice” means carrying on the profession of an Advocate other than senior Advocate and filing of at least five vakalaths per year by an Advocate whose name is included in the list of practising Advocates published and maintained by the Bar Council in accordance with the rules made by it under section 27.”;

(ii) after clause (aa), the following clause shall be inserted, namely:—

“(ab) “Advocates Academy” means the academy constituted by the Bar Council for providing training to Advocates to enable them to give efficient legal service to the people.”;

(iii) after clause (g), the following clauses shall be inserted, namely:—

“(ga) “non-practising Advocate” means an Advocate who is not in actual practice;

“(gb) “practising Advocate” means an Advocate in actual practice.”.

3. *Amendment of section 9.*—In section 9 of the principal Act, in sub-section (2), after clause (gg), the following clauses shall be inserted, namely:—

“(gh) provide assistance to the Advocates Academy;

(gi) to provide stipend to advocates who have less than three years standing at the bar, who have not attained the age of thirty years and who have an annual income of less than rupees 1,00,000 (rupees one lakh), at the rate determined by the Trustee Committee from time to time, and approved by the Government.”

4. *Amendment of section 15.*—In section 15 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any practising Advocate in any court in the State may apply to the Trustee Committee for admission as a member of the Fund in such form, as may be prescribed.”;

(b) for sub-section (1A), the following sub-section shall be substituted, namely:—

“(1A) No person enrolled as an Advocate after retirement from an employment shall be admitted as a member of the Fund if such person is eligible for or availed himself of any kind of retirement benefit from such employment:

Provided that this sub-section shall not be applicable to a person who was in employment for a period not exceeding five years or if the pension does not exceed five thousand rupees per month.”;

(c) after sub-section (1B), the following sub-sections shall be inserted, namely:—

“(1C) A member of the Fund who is removed from the list of practising Advocates published and maintained by the Bar Council shall not be entitled to continue as a member of the Fund and during such period, such Advocate whose name is included in the list of non-practising Advocates maintained by the Bar Council shall be deemed to have been suspended from the Fund.

(1D) An Advocate who is included in the list of non-practising Advocates published and maintained by the Bar Council shall be entitled to continue as member of the Fund on inclusion of his name in the list of practising Advocates maintained by the Bar Council and shall be entitled to continue his membership in the Fund.

(1E) An Advocate who has not joined the Fund may apply to the Trustee Committee for admission as a member of the Fund in such form, as may be prescribed, on payment of the annual subscription payable corresponding to

the period of practice at the time of such admission multiplied by his actual years of practice together with a fine of rupees 2,000 for every completed year of actual practice:

Provided that such member shall not be eligible to claim any amount from the Fund on voluntary cessation of practice within a period of ten years from the date of such admission to the Fund:

“Provided further that an Advocate who has been admitted to the Fund under sub-section (1E) shall be eligible to claim only up to ten years of his previous actual practice.”;

(d) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Every member of the Fund shall pay an annual subscription to the Fund on or before the 30th June of every year at the following rates, namely:—

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| (i) | Where the standing of the Advocate at the bar is less than five years. | .. | Five hundred rupees |
| (ii) | Where the standing of the Advocate at the bar is five years and more, but less than ten years. | .. | One thousand rupees |
| (iii) | Where the standing of the Advocate at the bar is ten years and more, but less than fifteen years. | .. | Two thousand rupees |
| (iv) | Where the standing of the Advocate at the bar is fifteen years and more but less than twenty years. | .. | Two thousand and five hundred rupees |
| (v) | Where the standing of the Advocate at the bar is twenty years and more but less than twenty five years. | .. | Three thousand rupees |
| (vi) | Where the standing of the Advocate at the bar is twenty five years and more but less than thirty years. | .. | Three thousand and five hundred rupees |
| (vii) | Where the standing of the Advocate at the bar is thirty years or above. | .. | Four thousand rupees : |

Provided that an Advocate designated as senior Advocate under the Advocates Act, 1961 (Central Act 25 of 1961) shall pay an annual subscription to the Fund at the rate of six thousand rupees.”;

(e) for sub-section (13), the following sub-section shall be substituted, namely:—

“(13) A member of the Fund who voluntarily suspends his membership in the Fund may on resumption of his practice as an Advocate as allowed by the Bar Council resume his membership in the Fund on payment of two thousand rupees as resumption charges and his date of resumption shall be recorded in his Certificate of Membership.”.

5. *Amendment of section 16.*—In section 16 of the principal Act,—

(a) in sub-section (1), for the words “rupees fourteen thousand two hundred and eighty five” and “rupees five lakhs”, the words “rupees twenty five thousand” and “rupees ten lakhs” shall, respectively, be substituted;

(b) in sub-section (2), for the words, “five lakhs rupees” the words “ten lakhs rupees” shall be substituted.

6. *Amendment of section 18.*—In clause (b) of section 18 of the principal Act, after the words “and their dependents a maximum amount of five thousand rupees”, the words “and in the case of members of the Fund rupees one lakh during a period of three years in case of hospitalized treatment involving major surgical operation or for cancer treatment and other critical illness” shall be inserted.

7. *Amendment of section 23.*—In section 23 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every vakalath filed by an Advocate shall, in addition to the court fee stamp affixed thereon, be affixed with the welfare fund stamp of the value of fifty rupees in the case of vakalath filed before the High Court and of the value of twenty five rupees in the case of vakalath filed before subordinate courts, tribunals and other authorities. No vakalath shall be valid unless it is so stamped.”.