

published on 19.9.18

Fourteenth Kerala Legislative Assembly

Bill No. 132

**THE KERALA ADVOCATES' CLERKS WELFARE
FUND (AMENDMENT) BILL, 2018**

©
Kerala Legislature Secretariat
2018

KERALA NIYAMASABHA PRINTING PRESS.

Fourteenth Kerala Legislative Assembly

Bill No. 132

**THE KERALA ADVOCATES' CLERKS WELFARE FUND
(AMENDMENT) BILL, 2018**

Fourteenth Kerala Legislative Assembly

Bill No. 132

[Translation in English of “2018-ലെ കേരള അഡ്വക്കേറ്റ്സ് ക്ലർക്കുമാരുടെ ക്ഷേമനിധി (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA ADVOCATES’ CLERKS WELFARE FUND
(AMENDMENT) BILL, 2018**

A

BILL

further to amend the Kerala Advocates’ Clerks Welfare Fund Act, 2003.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Advocates’ Clerks Welfare Fund Act, 2003 (27 of 2003) for the purposes hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala Advocates’ Clerks Welfare Fund (Amendment) Act, 2018.

(2) It shall come into force at once.

2. *Amendment of section 14.*—In the Kerala Advocates’ Clerks Welfare Fund Act, 2003 (27 of 2003) (hereinafter referred to as the principal Act), in sub-section (1) of section 14, for the words, “of the value of twelve rupees” the words, “of the value of twenty rupees” shall be substituted.

3. *Amendment of section 17.*—In the principal Act, in sub-section (5) of section 17, for the words, “one thousand two hundred rupees”, the words, “two thousand rupees” and for the words, “shall be paid in three equal instalments” the words, “the entire amount shall be paid in three instalments of not less than six hundred rupees” shall be substituted.

4. *Amendment of section 18.*—In section 18 of the principal Act, for sub-section (7), the following sub-section shall be substituted, namely:—

“(7) A member who had received the eligible pension and other benefits under this section after cessation of employment, shall repay to the Fund the entire amount received by him from the Fund as stated above with twelve per cent interest if he intends to resume the employment as an Advocates' Clerk.”

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 18 of the Kerala Advocates' Clerks Welfare Fund Act, 2003 (27 of 2003) provides that members of the Fund are entitled to receive pension. The Kerala Advocates' Clerks Welfare Fund Committee has decided to enhance the pension and retirement benefits of Advocates' Clerks. For the financial resources required to implement the same, the Committee has decided to enhance the annual subscription to be paid by each member to the Welfare Fund from ₹ 1200 to ₹ 2000 and to enhance the value of the Kerala Advocates' Clerks Welfare Fund Stamp from ₹ 12 to ₹ 20. Further, the Kerala Advocates' Clerks Welfare Fund Committee has requested the inclusion of a provision in the Kerala Advocates' Clerks Welfare Fund Act, 2003 (27 of 2003) that a member who had received pension and other benefits on cessation of employment shall repay to the fund the entire amount including the pension and other benefits received from the Welfare Fund with twelve per cent interest to resume the employment as Advocate Clerk.

2. The Government have examined the matter in detail and decided to make suitable amendment in the Kerala Advocates' Clerks Welfare Fund Act, 2003 (27 of 2003).

3. The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State. Further additional expenses will not be incurred from the Kerala Advocates' Clerks Welfare Fund.

A. K. BALAN.

**EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA
ADVOCATES' CLERKS WELFARE FUND ACT, 2003
(ACT 27 OF 2003)**

* * * *

14. *Kerala Advocates' Clerks Welfare Fund Stamp.*—(1) There shall be printed at the Government Press by the Committee in such form and in such manner as may be prescribed stamps of the value of twelve rupees inscribed as "the Kerala Advocates' Clerks Welfare Fund Stamp".

* * * *

17. *Members of the Fund.*—(1) Every Advocates' Clerk in the State may apply to the Committee in such form and in such manner as may be prescribed for admission as a member of the Fund.

Provided that no person employed as an Advocates' Clerk after retiring from the service of the Central Government or the State Government or any Public Sector Undertaking with any retirement benefit, shall be eligible for membership to the Fund.

* * * *

(5) Every member of the Fund shall pay to the Fund an annual subscription of one thousand two hundred rupees and if it is paid in lump sum, shall be paid on or before 30th June of every year and, if not, shall be paid in three equal instalments on or before 30th June, 30th September and 31st December respectively:

Provided that the members who fail to remit the annual subscription in lump sum or in instalments within the specified time limit as aforesaid, shall remit such arrears with interest at twelve per cent on or before 31st December.

* * * *

18. *Payment from the Fund on cessation of employment.*—(1) A member of the Fund shall, on cessation of employment, be entitled to receive from and out of the Fund a consolidated amount and pension based on his number of years of employment as an Advocates' Clerk at such rates as may be prescribed;

* * * *

(7) A member whose membership has ceased and received pension and other benefits shall not be eligible for re-admission in the Fund.

* * * *