

Published on 08-06-17

Fourteenth Kerala Legislative Assembly

Bill No. 69

**THE KERALA ADVOCATES' WELFARE FUND (SECONDA MENDMENT)
BILL, 2017**

©
Kerala Legislature Secretariat
2017

KERALA NIYAMASABHA PRINTING PRESS.

Fourteenth Kerala Legislative Assembly

Bill No. 69

**THE KERALA ADVOCATES' WELFARE FUND (SECOND AMENDMENT)
BILL, 2017**

829/2017.

THE KERALA ADVOCATES' WELFARE FUND
(SECOND AMENDMENT) BILL 2017

A

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-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Advocates' Welfare Fund (Second Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 4.*—In section 4 of the Kerala Advocates' Welfare Fund Act, 1980 (Act 21 of 1980), after clause (d) of sub-section (3), the following proviso shall be inserted, namely:—

“Provided that in the absence of an elected State Bar Council in office, the State Government shall nominate three advocates, having not less than fifteen years of practice at bar and such members shall hold office for a term of four years or till the members nominated by the elected State Bar Council assume charge, whichever is earlier.”.

STATEMENT OF OBJECTS AND REASONS

As per section 4 of the Kerala Advocates' Welfare Fund Act, 1980 (Act 21 of 1980) Government may, by notification in Gazette establish a Committee to be called the Kerala Advocates' Welfare Fund Trustee Committee. Sub-section (3) of section 4 of the Act provides for the structure of the Committee. As per clause (d) of sub-section (3) of section 4 of the Act, the Committee shall consist of three members

of the Bar Council nominated by it. But there is no provision in the Act regarding nomination of such members in the Committee in the absence of an elected State Bar Council. In the above circumstance Government have decided to amend clause (d) of sub-section (3) of section 4 of the Kerala Advocates' Welfare Fund Act, 1980 by incorporating provisions for nominating three advocates, who have not less than fifteen years of practice at bar and they shall hold office for a term of four years or till the members nominated by the elected State Bar Council assume charge, whichever is earlier.

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.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The proviso to clause (d) of sub-section (3) of section 4 of the Kerala Advocates' Welfare Fund Act, 1980, proposed to be inserted by clause 2 of the Bill seeks to empower the Government to nominate three Advocates having not less than fifteen years of practice at bar, to the Trustee Committee, in the absence of elected State Bar Council.

A. K. BALAN

EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA
ADVOCATES' WELFARE FUND ACT, 1980
(21 OF 1980)

**

**

**

**

4. *Establishment of Trustee Committee.*—(1) The Government may, by notification in the Gazette, establish, with effect from such date as may be specified therein, a Committee to be called the Kerala Advocates' 'Welfare Fund Trustee Committee.

**

**

**

**

(3) The Trustee Committee shall consist of—

(a) the Advocate General of Kerala, who shall be the Chairman of the Trustee Committee, *ex-officio* ;

(b) the Law Secretary to Government, *ex-officio* ;

(c) a member nominated by the Government ;

(d) two members of the Bar Council, nominated by it ;

(e) the treasurer of the Bar Council, who shall be the treasurer of the Trustee Committee, *ex-officio* ;

(f) the Secretary of the Bar Council, who shall be the Secretary of the Trustee Committee, *ex-officio* ;

(4) A member nominated by the Government under clause (c) of sub-section (3) shall hold office for a term of four years.

(5) A member nominated by the Bar Council under clause (d) of sub-section (3) shall hold office for a term of four years or for the duration of his membership in the Bar Council, whichever is less.

**

**

**

**