

Fifteenth Kerala Legislative Assembly

Bill No. 293

**THE KERALA ADVOCATES' CLERKS WELFARE FUND
(AMENDMENT) BILL, 2026**

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**THE KERALA ADVOCATES’ CLERKS WELFARE FUND
(AMENDMENT) BILL, 2026**

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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 Seventy-sixth 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, 2026.

(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, “value of twelve rupees” the words, “value of twenty rupees” shall be substituted.

3. *Amendment of section 17.*—In section 17 of the principal Act,—

(i) in sub-section (1), after the words “Every Advocates’ Clerk in the State” the words “who has not completed fifty years of age on the date of application” shall be inserted;

(ii) in sub-section (5), 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 whole 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,—

(i) in sub-section (1), the words “and pension” shall be omitted;

(ii) in sub-section (4), for the word “payment” the words “payment of consolidated amount” shall be substituted;

(iii) for sub-section (7), the following sub-sections shall be substituted, namely:—

“(7) The members who have attained the age of sixty years and completed eight years membership in Advocates’ Clerks Welfare Fund on cessation of employment shall be entitled to receive pension from the Fund at such rates as may be prescribed:

Provided that notwithstanding anything contained in sub-section (7), the above provision shall not apply to members who has been receiving pension under the principal Act or the rules made thereunder, before the commencement of the Kerala Advocates’ Clerks Welfare Fund (Amendment) Act, 2026 (..... of 2026) and they shall be entitled to receive such increase in pension, as may be prescribed by the Government from time to time.

(8) In the event of death of a member receiving pension under the provisions of sub-section (7), the dependents of the said member shall be entitled to receive family pension from the Fund at such rates as may be prescribed.

(9) In the event of death of a member who has completed eight years of membership but has not attained the age of sixty years, the dependents of the said member shall be entitled to receive family pension from the Fund at such rates as may be prescribed:

Provided that notwithstanding anything contained in sub-sections (8) and (9), the above provision shall not apply to the dependents who has been receiving family pension under the principal Act or the rules made thereunder, before the commencement of the Kerala Advocates’ Clerks Welfare Fund (Amendment) Act, 2026 (..... of 2026) and they shall be entitled to receive such increase in pension, as may be prescribed by the Government from time to time.

(10) A member whose employment has been ceased and received pension and other benefits shall not be eligible for re-admission to the Fund.”.

STATEMENT OF OBJECTS AND REASONS

In order to find financial resources for the pension and retirement benefits of Advocates’ Clerks, the Government have decided to amend sub-section (1) of section 14 and sub-section (5) of section 17 of the Kerala Advocates’ Clerks Welfare Fund Act, 2003 (Act 27 of 2003), to increase the value of the Kerala Advocates’ Clerks Welfare Fund stamp from existing 12 rupees to 20 rupees and to increase the annual subscription payable by each member to the welfare fund from existing 1,200 rupees to 2,000 rupees to achieve the above said purpose.

2. As per sub-section (1) of section 17 of the said Act, at present no age limit has been prescribed for an Advocates’ Clerk in the State to become a member of the Fund, and accordingly there exists a situation where Advocates’ Clerks of any age can avail the benefits and pension from the fund by becoming a member of the said Fund. In order to overcome this situation, the Government have decided to amend sub-section (1) of section 17 of the said Act to introduce a condition that an Advocates’ Clerk who has exceeded the age of fifty years on the date of application shall not be eligible for membership in the said Fund.

3. As sub-section (1) of section 18 of the Kerala Advocates’ Clerks Welfare Fund Act, 2003, provides that a member of the Fund shall, on cessation of employment, be entitled to receive from the Fund a consolidated amount and pension at such rates as may be prescribed based on the number of years of service rendered by him as an Advocates’ Clerk, there exists a situation to pay pension to all members retiring from the Fund based on the number of years of service rendered, causing huge financial burden for the Welfare Fund Committee and in order to avoid this situation, the Government have decided to amend section 18 of the said Act to provide for a criteria in the Act for the payment of pension for the members.

4. 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

Clause 4 of the Bill, which is proposed to amend sub-section (7) of section 18 of the principal Act, empowers the Government to determine the rate of pension to be paid, based on the number of years of service rendered by him as an Advocates' Clerk, from the Fund, to members who have completed the age of sixty years and have completed eight years of membership in the Advocates' Clerks Welfare Fund.

Clause 4 of the Bill, which is proposed to amend sub-section (8) of section 18 of the principal Act, empowers the Government to determine the rate at which family pension is to be paid, from the Fund, to the dependents of a member, who has been receiving pension after completing the age of sixty years and eight years of membership in the Advocates' Clerks Welfare Fund.

Clause 4 of the Bill, which is proposed to amend sub-section (9) of section 18 of the principal Act, empowers the Government to determine the rate at which family pension is to be paid, from the Fund, to the dependents of a member who has completed eight years of membership in the Advocates' Clerks Welfare Fund but has died before attaining the age of sixty years.

The matters in respect of which rules may be made are matters of procedure and are of routine or administrative in nature. Further, such rules, so made are subject to the scrutiny of the Legislative Assembly. Hence, the delegation of legislative power is therefore of a normal character.

P. RAJEEVE

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

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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".

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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.

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(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.

(5A) Every existing member shall remit the arrears of the annual subscription due for the period from the 1st day of April, 2004 to the 26th day of November, 2010, the date on which the Kerala Advocates' Clerks Welfare Fund (Amendment)

Ordinance, 2010 (57 of 2010), was published in the gazette in three equal instalments, before 31st December, 2010, 30th June, 2011 and 31st December, 2011, respectively:

Provided that those who fail to remit any instalment on 31st December, 2011 shall remit such arrears with twelve per cent interest in equal instalments not exceeding six before 30th September, 2012.

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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.

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(4) For calculating the period of completed years of employment for the purpose of payment under this Act, every two years employment as an Advocates' Clerk, if any, before the admission as a member to the Fund shall be computed as one year of employment and added on to the number of years of employment after such admission.

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

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