

Fifteenth Kerala Legislative Assembly
Bill No. 298

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

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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 Seventy-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, 2026.

(2) It shall come into force at once.

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

(i) after clause (e), the following clause shall be inserted, namely:—

“(ea) “e-stamp” means an electronically generated alternative for conventional stamps issued by the Bar Council of Kerala;”.

(ii) for clause (j), the following clause shall be substituted, namely:—

“(j) “stamp” means the welfare fund stamp and the advocate stipend stamp printed and distributed under section 22 and includes an e-stamp.”.

3. *Amendment of section 4.*—In sub-section (3) of section 4 of the principal Act,—

(i) in clause (c), for the words “a member”, the words “two members” shall be substituted;

(ii) for clause (f) , the following clause shall be substituted, namely:—

“ (f) The Secretary of the Trustee Committee to be appointed by the Government as per section 11.”.

4. *Amendment of section 10.*—In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“ (2) The Trustee Committee shall deposit all moneys and receipts forming part of the fund in any scheduled bank or invest the same in loans to any corporation owned or controlled by the Central Government or the State Government or in loans floated by the Central Government or the State Government or in Central or State Government bonds or in pension and other schemes constituted for advocates, in collaboration with pension schemes provided by nationalized and Scheduled Banks, Life Insurance Corporation of India or public sector insurance and health and death insurance schemes provided by nationalized or Scheduled Banks, Life Insurance Corporation of India or public insurance companies or in any other manner as the Bar Council may, from time to time, direct, with the prior approval of the Government.”.

5. *Amendment of section 11.*—In section 11 of the principal Act,—

(i) for the marginal heading, the following shall be substituted, namely:—

“*Appointment, powers and duties of Secretary.*—”.

(ii) the existing section shall be numbered as sub-section (2) and before the sub -section so numbered the following sub-section shall be inserted as sub-section (1), namely:—

“(1) The Government may appoint an officer of the Law Department, not below the rank of Deputy Secretary to Government, on deputation basis as Secretary of the Trustee Committee.”.

6. *Amendment of section 14.*—In the principal Act, in sub-section (1) of section 14, after the word “members”, the words “of actual practice” shall be inserted.

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

(i) after the second proviso to sub-section (1E), the following sub-section shall be inserted, namely:—

“(1F) An Advocate who is a member of the Fund may apply to the Trustee Committee for counting his previous period of actual practice relevant at the time of his initial admission to the Fund, in such form as may be prescribed, on payment of the annual subscription payable at the rate specified in sub-section (5) corresponding to the period of actual years of practice together with a fine of rupees two thousand for every such years of previous completed year of practice:

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

Provided further that an Advocate who has been allowed to count previous practice under this sub-section shall be eligible to claim only up to ten years of his previous actual practice”;

(ii) in sub-section (3), for the words “five hundred”, the words “one thousand” shall be substituted;

(iii) for sub-section (5), and the proviso, the following sub-section and provisos shall be substituted, namely:—

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

TABLE

Sl. No.	Description	Rate (₹)
(1)	(2)	(3)
1	Where the standing of the Advocate at the Bar is less than five years.	1,000
2	Where the standing of the Advocate at the Bar is five years and more, but less than ten years.	2,500
3	Where the standing of the Advocate at the Bar is ten years and more, but less than fifteen years.	4,000
4	Where the standing of the Advocate at the Bar is fifteen years and more, but less than twenty years.	4,500
5	Where the standing of the Advocate at the Bar is twenty years and more, but less than twenty five years.	5,000
6	Where the standing of the Advocate at the Bar is twenty five years and more, but less than thirty years.	5,500
7	Where the standing of the Advocate at the Bar is thirty years or above.	6,000

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 rupees ten thousand:

Provided further that a member who has completed forty years of continuous membership in the Fund need not pay the annual subscription for the subsequent period if he continues in the membership.”;

(iv) after sub-section (7), the following proviso and Explanation shall respectively be inserted, namely:—

“Provided that the Kerala Advocates’ Welfare Fund Trustee Committee may exempt from payment of fine in case of extraordinary situation.

Explanation:—“Extraordinary Situation” means a situation wherein an epidemic or pandemic or a natural calamity has hit the whole of the State of Kerala or a part of the State as a result of which a lockdown or shut down at the National level or the State level is declared by the Central or the State Government and as such the courts are not functioning and the advocates fall into great distress.”.

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

(i) in sub-section (1),—

(a) for the words and symbol, “rupees twenty-five thousand”, and, “rupees ten lakhs”, the words “rupees fifty thousand” and, “rupees twenty lakhs” shall, respectively, be substituted;

(b) after the existing provisos to sub-section (1), the following provisos shall, respectively, be inserted, namely:—

“Provided also that the amount over and above rupees ten lakhs, shall be disbursed to a member of the Fund on cessation of practice other than by death as provided under sub-section (2) at an increase of 20% on the existing benefits payable for every completed year of practice for the next five years from the commencement of the Kerala Advocates’ Welfare Fund (Amendment) Act, 2026:

Provided also that the members shall be eligible to claim a maximum amount of rupees twenty lakhs only:

Provided also that the Trustee Committee shall ensure that all disbursement of money from the Fund shall be incurred from the actual receipts credited to the Fund in each financial year.”;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In the event of death of a member while in actual practice his nominee or where there is no such nominee the spouse, and in the absence of both nominee and spouse, the legal heirs, as the case may be, shall be entitled to receive from and out of the Fund an amount of ten lakhs rupees or at the rates specified in sub-section (1) for every completed year of practice with the maximum aggregate amount of twenty lakhs rupees whichever is higher.”;

(iii) in sub-section (4), the second proviso shall be omitted.”.

9. *Amendment of section 18.*— In clause (b) of section 18 of the principal Act, for the words “one lakh”, the words “two lakhs” shall be substituted.

10. *Insertion of new section 18 A.*—After section 18 of the principal Act, the following section shall be inserted, namely:—

“18A. *Medical Insurance Scheme.*—The Kerala Advocates’ Welfare Fund Trustee Committee may constitute a scheme for providing medical insurance to its members and family.”.

11. *Amendment of section 22.*—In section 22 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Bar Council shall cause to be printed and distributed welfare fund stamps of the value of one hundred rupees and two hundred rupees and advocate stipend stamps of the value of twenty five rupees and fifty rupees with the Bar Council Emblem and its value inscribed thereon.”.

12. *Insertion of new section 22A.*— After section 22 of the principal Act, the following section shall be inserted, namely:—

“ 22A *Appointment pay and service conditions of staff.*—The Advocates’ Welfare Fund Trustee Committee shall have on its establishment, an Accountant and such other staff as may be decided from time to time and the scale of pay and conditions of service shall be prescribed by the Bar Council in consultation with the Government and shall be revised from time to time with the prior approval of the Government.”.

13. *Amendment of section 23.*—In section 23 of the principal Act,—

(i) 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 value of two hundred rupees in the case of Vakalath filed before the High Court and of the value of one hundred rupees in the case of Vakalath filed before Subordinate Courts, Tribunals and other authorities and advocate stipend stamp worth fifty rupees in Vakalaths filed before the High Court and twenty five rupees before the Subordinate Courts, Tribunals and other authorities. No Vakalath shall be valid unless it is so stamped:

Provided that nothing contained in this sub-section shall apply in respect of any memorandum of appearance filed by an advocate appearing on behalf of the Government:

Provided further that no Court, Tribunal or other Authority shall receive any Vakalath filed by an advocate unless it is so stamped, and that any person found to be responsible for causing loss to the Fund may be held liable for making good such loss.

Explanation:—If three or more advocates jointly appear by a single Vakalath the maximum number of stamps that may be affixed thereon shall be three.”.

(ii) after sub-section (3), the following sub-section shall be added, namely:—

“(4) The collection of value of the welfare fund stamps and advocates stipend stamps shall also be made by way of e-stamp by the Trustee Committee.”.

STATEMENT OF OBJECTS AND REASONS

In order to strengthen the administration of the Kerala Advocates' Welfare Fund and to enhance the benefits provided to its members, the Government have decided to amend sections 2, 4, 10, 11, 14, 15, 16, 18, 22 and 23 of the Kerala Advocates' Welfare Fund Act, 1980 (Act 21 of 1980).

2. To ensure efficient governance, the Government have decided to enhance the number of Government nominees in the Kerala Advocates' Welfare Fund Trustee Committee from one to two. It is also decided to amend the criteria for appointment of the Secretary of the Trustee Committee.

3. The Government have also decided to introduce a Medical Insurance Scheme for members of the Fund and their families. It is also decided to entrust the Trustee Committee to invest money and receipts forming part of the Fund in Central or State Government bonds, pensions, or other schemes. Moreover, the Trustee Committee will be empowered to appoint necessary staff, decide their service conditions, and waive fines for defaults under extraordinary circumstances. Necessary provisions for counting the previous periods of actual practice is also incorporated. It is also intended to increase the financial assistance for major surgical operations and cancer treatment from rupees one lakh to two lakhs and to enhance the cessation of practice and death benefits, raising the maximum aggregate amount to twenty lakh rupees. (Para 165 of the Budget Speech 2026-2027)

4. For the purpose of strengthening the financial resources of the Fund, the Government have decided to increase the admission fees, annual subscription fees, and the value of welfare fund stamps. The Bill also seeks to introduce advocate stipend stamps for filings in various courts and to authorize the collection of stamp values through e-stamping to facilitate modern payment methods.

5. The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State, but involve expenditure from the Kerala Advocates' Welfare Fund for salaries and allowances of the Secretary as provided in section 11 of the Act, proposed to be amended by clause 5 of the Bill, for enhancing the amount entitled to be received by a member of the Fund as provided in section 16 of the Act, proposed to be amended by clause 8 of the Bill, and for enhancing the financial assistance to the members for the hospitalised treatment as laid down in section 18 of the Act proposed to be amended by clause 9 of the Bill, and for providing medical insurance to the members and their families proposed to be inserted by clause 10 of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill, proposes to insert sub-section (1F) to section 15 of the Kerala Advocates' Welfare Fund Act, 1980, which seeks to empower the Bar Council of Kerala to prescribe the Form of application for counting the previous period of actual practice of an existing member.

Clause 12 of the Bill proposes to insert a new section 22A to the Kerala Advocates' Welfare Fund Act, 1980, which seeks to empower the Bar Council of Kerala to prescribe the scale of pay and service conditions of staff of the Kerala Advocates' Welfare Fund Trustee Committee.

The matters in respect of which rules are to be made are either administrative in nature or matters of procedure or routine in nature. Further, the rules, after they are made, will be 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'
WELFARE FUND ACT, 1980 (ACT 21 OF 1980)

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2. *Definitions.*—In this Act, unless the context otherwise requires,—

(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 practicing Advocates published and maintained by the Bar Council in accordance with the rules made by it under section 27;

(aa) “Advocate” means a person whose name has been entered in the State roll of advocates prepared and maintained by the Bar Council of Kerala under section 17 of the Advocates’ Act, 1961 (Central Act 25 of 1961) and who is a member of the Bar Association ;

(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;

(b) “Bar Association” means an association of advocates recognised and registered by the Bar Council under section 13 ;

(c) “Bar Council” means the Bar Council of Kerala constituted under section 3 of the Advocates’ Act, 1961 (Central Act 25 of 1961) ;

(d) “cessation of practice” means removal of the name of an advocate from the State roll maintained by the Bar Council on account of his retirement on completion of fifteen years of continuous membership in the Fund or due to permanent disablement or death ;

(e) “Dependents” means wife, husband, father, mother and sons and daughters or such of them as exist;

(f) “Fund” means the Advocates’ Welfare Fund constituted under section 3;

(g) “Member of the Fund” means an advocate admitted to the benefit of the Fund and continuing to be a member thereof under the provisions of this Act ;

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

(gb) “Practising Advocate” means an Advocate in actual practice;

(gg) “Permanent disablement” means such physical or mental disablement which totally incapacitates an Advocate to continue his professional practice for ever;

(h) “Prescribed” means prescribed by the Bar Council by rules made under this Act;

(i) “Retirement” means stoppage of practice as an advocate communicated to and recorded by the Bar Council ;

(j) “Stamp” means the stamp printed and distributed under section 22;

(k) “State” means the State of Kerala ;

(l) “Suspension of practice” means voluntary suspension of practice as an advocate or suspension by the Bar Council for misconduct ;

(m) “Trustee Committee” means the committee established under section 4 ;

(n) “Vakalath” means vakalathnama and includes memorandum of appearance or any other document by which an advocate is empowered to appear or plead before any court, tribunal or other authority.

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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.

(2) The Trustee Committee shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and shall, by the said name, sue and be sued.

(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) three 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*;
- (g) the President of the Kerala Bar Federation, *ex-officio*.

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

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

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10. *Funds borrowing and investment.*— (1) The Trustee Committee may, with the prior approval of the Government and the Bar Council, borrow, from time to time, any sum required for carrying out the purposes of this Act.

(2) The Trustee Committee shall deposit all moneys and receipts forming part of the Fund in any scheduled bank or invest the same in loans to any corporation owned or controlled by the Central Government or the State Government or in loans floated by the Central Government or the State Government or in any other manner as the Bar Council may, from time to time, direct with the prior approval of the Government.

(3) All amounts due and payable under this Act and all expenditure relating to the management and administration of the Fund shall be paid out of the Fund.

(4) The accounts of the Trustee Committee shall be audited annually by a Chartered Accountant appointed by the Bar Council.

(5) The accounts of the Trustee Committee, as certified by the auditor, together with the audit report thereon, shall be forwarded to the Bar Council by the Trustee Committee and the Bar Council may issue such directions as it deems fit to the Trustee Committee in respect thereof.

(6) The Trustee Committee shall comply with the directions issued by the Bar Council under sub-section (5).

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11. *Powers and duties of Secretary.*—The Secretary of the Trustee Committee shall,—

(a) be the chief executive authority of the Trustee Committee and responsible for carrying out its decisions;

(b) represent the Trustee Committee in all suits and proceedings for and against the committee;

(c) authenticate by his signature all decisions and instructions of the Trustee Committee;

(d) operate the bank accounts of the Trustee Committee jointly with the Treasurer;

(e) convene meetings of the Trustee Committee and prepare its minutes;

(f) attend the meetings of the Trustee Committee with all the necessary records and information;

(g) maintain such forms, registers and other records as may be prescribed from time to time and do all correspondence relating to the Trustee Committee;

(h) inspect and verify periodically the accounts and registers of the Bar Associations regarding stamps;

(hh) on request issue duplicate copy of membership certificate in lieu of original to members on payment of such charges as may be fixed by the Trustee Committee from time to time;

(i) prepare an annual statement of business transacted by the Trustee Committee during each financial year; and

(j) do such other acts as may be directed by the Trustee Committee and the Bar Council.

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14. *Duties of Bar Association.*—(1) Every Bar Association shall, on or before the 15th April every year, intimate to the Bar Council a list of its members as on the 31st March of that year.

(2) Every Bar Association shall intimate to the Bar Council,—

(a) any change of the office bearers of the association with fifteen days from such change;

(b) any change in the membership including admissions and readmissions within thirty days of such change;

(c) the death, retirement or voluntary suspension of practice of any of its members within thirty days from the date of occurrence thereof; and

(d) such other matters as may be required by the Bar Council from time to time.

(3) Every Bar Association shall with proper acknowledgement receive subscriptions mentioned in sub-section (5) of section 15 from its members who are in actual practice and remit the same to the fund forthwith.

(4) Every Bar Association shall issue certificates of recommendations as mentioned in sub-section (6) of section 15 to its members on request made to that effect:

Provided that the Bar Association shall not issue any certificate of recommendation unless the Association is satisfied that the member is having actual practice as an Advocate.

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15. *Membership in the Fund.*— (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.

(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.

(1B) A person who received retirement benefit from the Fund shall not be re-admitted as member of the Fund.

(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 upto ten years of his previous actual practice.

(2) On receipt of an application under subsection (1), the Trustee Committee shall make such enquiry as it deems fit and either admit the applicant to the Fund or reasons to be recorded in writing reject the application:

Provided that no order rejecting an application shall be passed unless the applicant has been given an opportunity of being heard.

(3) An Advocate applying for membership to the Fund shall pay a sum of rupees five hundred towards admission fee along with the application, in such manner as may be prescribed, to the account of the Trustee Committee.

(4) In the event of rejection of an application, the admission fee paid along with the application shall be refunded to the applicant.

(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:—

- (i) Where the standing of the Advocate at the- Five hundred rupees Bar is less than five years.
- (ii) Where the standing of the Advocate at the- One thousand rupees Bar is five years and more, but less than ten years
- (iii) Where the standing of the Advocate at the- Two thousand rupees Bar is ten years and more, but less than fifteen years

- (iv) Where the standing of the Advocate at the-Two thousand and five hundred rupees Bar is fifteen years and more but less than twenty years
- (v) Where the standing of the Advocate at the-Three thousand rupees Bar is twenty years and more but less than twenty five years
- (vi) Where the standing of the Advocate at the-Three thousand and five hundred rupees Bar is twenty five years and more but less than thirty years
- (vii) Where the standing of the Advocate at the-Four thousand rupees: Bar is thirty years or above

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;

(6) The payment referred to in sub-section (5) shall be made through the Bar Association in which the contributor is a member or directly to the fund along with a letter of recommendation from the respective Bar Association.

(6A) All members of the Fund shall furnish before the Trustee Committee every year, along with the payment of subscription, a declaration in such form as may be prescribed to the effect that he is in actual practice and not in any other employment and not engaged in any other profession or calling.

(7) A member who fails to remit the annual subscription for a year on or before the 30th June of that year may, within a period of six months from the said date, remit the amount in arrears together with fine at the rate of twelve per cent per annum.

(8) Where a member fails to remit the annual subscription together with fine within the period specified in sub-section (7), the Trustee Committee shall issue a notice to such member by registered post in the address as entered in the register of members of the Fund directing him to show cause, if any, why he should not be removed from the membership of the fund for non-payment of the subscription. Where the defaulter, within one month from the date of such notice, furnishes sufficient cause to the satisfaction of the Trustee Committee for the non-

payment and also remits the entire arrears of subscription together with fine till the date of payment and notice charge, the Trustee Committee may abstain from taking or proceeding with any action against him in respect of such non-payment, and in other cases, the Trustee Committee shall remove the defaulter from the membership of the Fund.

(8A) Notwithstanding anything contained in the foregoing provisions of this section, where, on receipt of a complaint or otherwise, the Trustee Committee is satisfied after such enquiry as they may think fit, that a member has voluntarily suspended practice or ceased to practice without intimation to the Trustee Committee, or has become disqualified to practice under any law for the time being in force, they may, after giving such member a reasonable opportunity for showing cause against the proposed action and after considering the cause, if any, shown, remove him from the membership of the fund.

(9) Every member shall, at the time of admission to the membership of the Fund make a nomination conferring on one or more persons the right to receive the amount which may be due to him from the Fund in the event of his death before the amount has been paid to him.

(10) If a member nominates more than one person under sub-section (9) he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may be due to him.

(11) A member may at any time cancel a nomination by sending a notice in writing to the Trustee Committee, provided that a member shall along with such notice send a fresh nomination.

(12) Every member who voluntarily suspends practice or retires shall, within fifteen days of such suspension or retirement, intimate that fact to the Trustee Committee and if any member fails to do so without sufficient reasons the Trustee Committee may reduce, in accordance with such principles as may be prescribed, the amount due to that member.

(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.

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16. *Payment from the Fund on cessation of practice.*— (1) A member of the Fund shall on cessation of practice on completion of fifteen years of continuous membership in the Fund be entitled to receive from and out of the Fund an amount at the rate of rupees twenty five thousand for every completed actual years of practice subject to a maximum amount of rupees ten lakhs in aggregate:

Provided that a member who opts voluntary retirement other than due to permanent disablement before the completion of the fifteen years of continuous membership in the Fund shall be entitled to receive the aggregate of the subscription remitted by him to the Fund with interest at the rate of six percentage thereof:

Provided further that a member who opts cessation due to permanent disablement before attaining the age of fifty-five years shall be entitled to receive from and out of the Fund an amount of rupees one lakh in aggregate or at the rate specified in sub-section (1) whichever is higher.

(1A) Notwithstanding anything contained in sub-section (1) or in any judgment, decree or order of any court, tribunal or other authority, a member on cessation of his practice on or before the 2nd day of March, 1993 shall be entitled to receive from out of the Fund an amount calculated at the rate of one thousand rupees for every completed year of practice for the period up to 5th May, 1989 and at the rate of two thousand rupees for every completed year of practice for the remaining period;

(2) In the event of death of a member while in actual practice his nominee or where there is no such nominee his legal heirs, as the case may be, shall be entitled to receive from and out of the Fund an amount of three lakh rupees or at the rates specified in sub-section (1) for every completed year of practice with the maximum aggregate amount of ten lakh rupees whichever is higher.

2(A)*****

(3) *****

(4) For calculating the period of completed years of practice for the purpose of payment,—

(i) under sub-section (1) and (2), every two years of practice at the Bar prior to the commencement of the Kerala Advocates' Welfare Fund Act, 1980; and

(ii) under sub-section (1A), every four years of practice at the bar before the admission of a member to the Fund shall be computed as one year of practice and added on to the number of years of practice after such admission:

Provided that in computing the period of practice, the period of suspension of practice, either voluntary or otherwise, shall be excluded:

Provided also that in the case of a person who does not apply to become a member of the Fund, within six months from the commencement of the Kerala Advocates' Welfare Fund (Amendment) Act, 1995 or within six months of his enrolment as Advocate, as the case may be, the period of practice, if any, before admission of such person to the Fund shall not be taken into account.

(5) *****

(5A) Notwithstanding anything contained in this Act, where an applicant for membership in the Fund dies before he is admitted as a member of the Fund, his nominee or legal heir, as the case may be, shall be eligible to get an amount at the rate of one thousand rupees per year of practice for the period commencing from the 5th day of April, 1981 and ending with the 5th day of May, 1989 two thousand rupees per year of practice from the 6th day of May, 1989 till

the date preceding the date of commencement of the Kerala Advocates' Welfare Fund (Amendment) Act, 1993 and thereafter at the rate of three thousand one hundred and twenty-five rupees per year of practice, provided the deceased was otherwise eligible to be admitted as a member of the Fund, but for his death.

(6) An application for payment from the Fund shall be preferred to the Trustee Committee in such form as may be prescribed.

(7) An application received under sub-section (6) shall be disposed of by the Trustee Committee after such enquiry as it deems necessary.

(8) A person who had availed the entire welfare fund benefits on cessation of practice and thereafter remitted the said amount with interest in the Welfare Fund as per item (a) of rule 4 of Chapter 5 of the Bar Council of Kerala Rules, shall be eligible for refund of the amount received from and out of the Fund with six per cent interest from the date of remittance on his removal from the roll of the Bar Council of Kerala:

Provided that in the event of death of the remitter the amount shall be paid to the nominee or where there is no such nominee to his legal heirs.

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18. *Group Life Insurance for members and other benefits.*—The Trustee Committee may, for the welfare of the members of the Fund,—

(a) obtain from the Life Insurance Corporation of India policies of Group Insurance for the members of the Fund;

(b) provide for medical and educational facilities for the members of the Fund and their dependents a maximum amount of five thousand rupees 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; and

(c) provide for such other benefits as may be prescribed.

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22. *Printing and distribution of stamps by Bar Council.*— (1) The Bar Council shall cause to be printed and distributed welfare fund stamps of the value of fifteen rupees and twenty five rupees with the Bar Council Emblem and its value inscribed thereon.

(2) The stamps shall be of such size and colour as may be decided by the Bar Council from time to time.

(3) The custody of the stamps shall be with the Bar Council.

(4) The Bar Council shall control the distribution and sale of the stamps through Bar Associations or through the outlets setup by the Bar Council for the purpose.

(5) The Bar Council and the Bar Associations shall keep proper accounts of the stamps in such form and in such manner as may be prescribed.

(6) The Bar Associations shall purchase the stamps from the Bar Council after paying the value thereof less ten per cent of such value towards incidental expenses.

(7) Every stamp affixed on vakalaths fixed before any court, Tribunal or other authority shall be cancelled in the manner provided in the Kerala Court Fees and Suits Valuation Act, 1959 (10 of 1960).

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23. *Vakalath to bear stamps.*— (1) Every vakalath filed by an Advocate shall, in addition to the court fee stamps 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 or other authorities. No vakalath shall be valid unless it is so stamped:

Provided that nothing contained in this sub-section shall apply in respect of any memorandum of appearance filed by an advocate appearing on behalf of the Government:

Explanation.—If three or more advocates jointly appear by a single vakalath, the maximum number of stamps that may be affixed thereon shall be three.

Provided further that no Court, Tribunal or other authority shall receive any vakalath filed by an Advocate unless it is so stamped, and that any person found to be responsible for causing loss to the Fund may be held liable for making good such loss.

(2) The value of the stamp shall neither be costs in the case nor be collected in any event from the client.

(3) Any contravention of the provisions of sub-section (2) by any member shall disentitle him to the benefits of the Fund and the Trustee Committee shall report such instances to the Bar Council for appropriate action.

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