

KERALA ADVOCATES WELFARE FUND ACT, 1980

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(Act 21 of 1980)¹

(Amended by Acts 32 of 1986, 21 of 1989 ,8 of 1993 ,15 of 1995 and 8 of 2001)

An Act to provide for the constitution of a Welfare fund for the payment of retirement benefits to Advocates in the state of Kerala and for matters connected there with or incidental thereto.

Preamble--- Where it is expedient to provide for the constitution of a welfare fund for the payment of retirement benefits to Advocates in the State of Kerala and for matters connected therewith or incidental thereto.

Be it enacted in the Thirty first year of the Republic of India as follows:

1. Short title. Extent and commencement

- (1) This Act may be called the Kerala Advocates Welfare Fund Act ,1980.
- (2) It extends to the whole of the State of Kerala.
- (3) It shall come into force on such date² as the Government may by notification in the Gazette appoint.

2. Definitions

In this Act unless the context otherwise requires:-

- (a) "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 S.17 of the Advocates Act 1961(Central Act 25 of 1961)³ [xxx]
- (b)"Bar Association" means an association of advocates recognised by the Bar Council under S.13.
- (c) "Bar Council " means the Bar Council of Kerala constituted under Section 3 of the Advocates Act,1961 (Central Act 25 of 1961).

⁴[(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 or death and includes any disentitlement of a member to practice in the State under Article 220 of the Constitution of India or any other law for the time being in force.

-----1.Published in K.G. Exty No.1050,dt.10-12-1980, Received assent of President on5-2-1980

2.Came into force on 5-4-1981,as per Notification No.48/B1/81/Law ,dt.1-4-1981.

3.The words "and who is member of a bar association" Omitted by Act 15/95.

4.Subs.by Act 15 of 1995.

(e) "Dependents" means wife, husband, father, mother and ¹[Sons and daughters] or such of them as exist.

(f) "Fund" means Advocates' Welfare Fund constituted under S.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. (h)

(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 S.22.

(k) "State" means the State of Kerala.

(l) "Suspension of practice" means voluntarily suspension of practice as an advocate or suspension by the Bar Council for misconduct;

(m) "Trustee Committee" means the Committee established under S.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.

3. Advocates' Welfare Fund

(1) The Government shall constitute a fund called the Advocates' Welfare Fund:

(2) There shall be credited to the Fund—

- (a) all amounts paid by the Bar Council under S.12;
- (b) any other contribution made by the Bar Council;
- (c) any voluntarily donation or contribution made to the Fund by the Bar Council of India, any Bar Association, any other association or institution, any advocate or any other person;
- (d) any grant made by the State Government to the Fund;
- (e) the amount set apart from the Legal Benefit Fund constituted under sub-section (2) of S.76 of the Kerala Court Fees and Suits Valuation Act, 1959 (10 of 1960), for providing social security measures for legal profession;
- (f) any sum borrowed under S.10;

- (g) any sum received form Life Insurance of Corporation of India on the death of an advocate under Group Insurance policy:
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1.Substituted by Act 21 of 1989 for "Unmarried minor children".

- (h) any profit or dividend received form the Life Insurance Corporation of India in respect of policies of Group Insurance of the members of the Fund;
- (i) any interest or dividend or other return on any investment made of any part of the Fund.
- (j) All sums collected by way of sale of stamps under S.22;
- (k) All sums collected under S.15 by way of application fees and annual subscriptions and interest thereon.
- (3) The sums specified in sub section (2) shall be paid to or collected by such agencies at such intervals and in such manner ,and the accounts of the Fund shall be maintained in such manner as may be prescribed.

4. Establishment of Trustee Committee

- (1) The Government may, by notification in Gazette, establish with effect 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 consists of.....
- (a) the Advocates 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) ¹[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) ² [The President of Kerala Bar Federation ex-officio]
- (4) A member nominated by the Government under clause (c) subsection (3) shall hold office of 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.

5. Disqualification and removal of nominated members of Trustee Committee

(1) A member nominated under clause (c) or clause (d) of subsection (3) of S.4 shall be disqualified to be a member of the Trustee Committee if he.....

(a) becomes of unsound mind; or

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1. Sstituted for "two members by Act 21 of 1989"
 2. Inserted by Act 21 of 1989.

(b) is adjudged insolvent or

(c) is absent without leave of the Trustee Committee for more than three consecutive meetings of the committee or

(d) is a defaulter to the Fund (in case he is a member of the Fund) or has committed breach of trust or

(e) is convicted by the criminal court for an offence, involving moral turpitude, unless such conviction has been set aside.

(2) The Government may remove any member who is or has become disqualified under sub section (1) from membership of the Trustee Committee.

Provided that no order removing member shall be passed unless that member and the Bar Council in the case of a member nominated by it have been given an opportunity of being heard.

6. Resignation by nominated members of Trustee Committee and filing up of casual vacancies

(1) Any member nominated under clause (c) or clause (d) of sub-section (3) of S.4 may resign his office by giving three months notice in writing to the Government Or the Bar Council as the case may be and on such resignation being accepted by the Government or the Bar Council, shall be deemed to have vacated his office:

Provided that the Bar Council shall consult the Government before accepting the resignation.

- (2) A casual vacancy in the office member referred to in sub-section (1) may be filled up, as soon as may be, by the Government or the Bar Council, as the case may be, and a member so nominated to fill such vacancy shall hold office for the unexpired portion of the term of office of the member whose place he fills.

7. Act of Trustee Committee not to be invalidated by vacancy, defect, etc.

No act done or proceeding taken under this Act or the rules made thereunder by the Trustee Committee shall be invalidated merely by reason of---

- (a) any vacancy or defect in the constitution of the committee, or
- (b) any defect or irregularity in the nomination of any person as a member thereof; or
- (c) any defect or irregularity in such act or proceeding not affecting the merits of the case.

8. Vesting and application of Fund

The Fund shall vest in, and be held and applied by the Trustee Committee subject to the provision, and for the purpose of this Act.

9. Functions of Trustee Committee

- (1) The Trustee Committee shall administer the Fund.

- (2) In the administration of the Fund, the Trustee Committee shall, subject to the provisions of this Act and the rules made thereunder-

- (a) hold the amounts and assets belonging to the Fund in trust;
- (b) Receive applications for admission or readmission to the Fund and dispose of such applications within ninety days from the date of receipt thereof,

¹[(bb)] remove a member from the Fund for contravention of any the provisions of this Act or the rules framed thereunder after giving the member concerned an opportunity of being heard]

- (c) Receive applications from the members of the Fund, their nominees or legal representatives, as the case may be for payment out of the Fund conduct such enquiry

- as it deems necessary for the disposal of such applications and dispose of the applications with five months from the date of receipt thereof;
- (d) record in the minutes book of the Trustee Committee its decisions on the applications.
 - (e) Pay to the applicants amounts at the rate specified ²[in section 16]
 - (f) Send such periodical and annual reports as may be prescribed , to the Government and the Bar Council;
 - (g) Communicate to the applicants by registered post with acknowledgement due the decisions of the Trustee Committee in respect of the applications for admissions or readmission to the Fund or claims to the benefit of the fund.
 - (h) Do such other acts as are, or may be required to be done under this Act and the rules made thereunder.

10. Funds, borrowings 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 purpose 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.

1. Inserted by Act 15 of 1995

2. Substituted for "in the Schedule" by Act 15 of 1995.

- (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).

11. Powers and duties of Secretary

The Secretary of the Trustee Committee shall—

- (a) be the chief executive authority of the Trustee Committee and responsibility 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 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:
 - (i) prepare an annual statement of business transacted by the Trustee Committee during each financial year and
 - (i) do such others acts as may be directed by the Trustee Committee and the Bar Council

12. Transfer of certain monies to the Fund

The Bar Council shall pay to the Fund annually an amount equal to twenty percent of the enrollment fees realised by it.

13. Recognition and registration of the Bar Association

- (1) all associations of the advocates known by any name functioning in any court centre may¹ [XXX] apply to the Bar Council in such form as may prescribed for recognition and registration.
- (2) Every application for recognition and registration shall be accompanied by the rules or bye laws of the association names and addressed of the office

1. The words "before a date to be notified by the Bar Council on this behalf" omitted by Act 21 of 1989.

bearers of the association and an up to date list of the members of the association showing the name , address age, date of enrollment and the ordinary place of practice of each member.

(3) The Bar Council may, after such enquiry as it deems necessary recognise the association and issue a certificate or registration in such form as may be prescribed.

[provided that where there are more than one association in a court centre, the Bar Council shall, for reasons to be recorded in writing register and recognise only one association for that centre]

(4) The decision of the Bar Council regarding the recognition and registration of a Bar Association shall be final.

[13A.Cancellation of recognition and registration of Bar Association

The Bar Council may for reasons to be recorded in writing , cancel the recognition and registration granted to a Bar Association , if it fails to carry out any of the duties specified in S.14;

Provided that no order canceling the recognition and registration shall be passed without giving the Bar Association an opportunity of being heard].

14. Duties of Bar Associations: -

1. Every Bar Association shall on or before the 15th April of every year, intimate the Bar Council a list of its members as on the 31st Day of March of that year.

2. Every Bar Association shall intimate to the Bar Council –

a) any change of the office bears of the Association within fifteen days from such change.

b) Any change in the membership including admissions and re admissions within thirty days of such change.

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

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

15. Membership in the Fund

(1) Every advocate practicing in any court in the State and being a member of a Bar Association recognised by the Bar Council any apply to the Trustee Committee for admission as a member of the Fund in such form as May be prescribed.

[(1A) A person enrolled as an Advocate after retirement from the service of Central or any State Government or any public or private sector undertakings

1. Added by Act 21 of 1989.

2. Inserted by Act 21 of 1989.

3. Inserted by Act 8 of 2001 with effect from 23.11.2001.

shall not be admitted as a member of the Fund if such person is eligible for or availed of any kind of retirement benefits from such Government or public or private sector undertakings”]

- (2) On receipt of an application under sub section (1), the Trustee Committee shall make such enquiry as it deems fit and either admit the applicant to the Fund or for 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.

¹[(3) An Advocate applying for membership to the Fund shall pay a sum of Rupees ²(three hundred) towards admission fee along with the application in such manner as may be prescribed to the account of the Trustee Committee.]

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

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

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|--|-----|-------------|
| 1. Where standing of the Advocate at the Bar is less than five years | *** | 200 Rupees |
| 2. Where standing of the Advocate at the Bar is five years or more, but less than ten years | *** | 500 Rupees |
| 3. Where standing of the Advocate at the Bar is ten years or more, but less than fifteen years | *** | 1000 Rupees |
| 4. Where standing of the Advocate at the Bar is fifteen years and more | *** | 1500 Rupees |

⁵[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 Rs.3000/- (Three thousand rupees.)

⁶[(6) XXX]

⁷[(7) A member who fails to remit the annual subscription for an year on or before the 30th June of that year within a period of six months from the said date, remit the

amount in arrears together with fine at the rate of Five Rupees per month or part thereof.

(8) Where a member fails to remit the annual subscription together with fine the period specified in sub section (7) of the Trustee Committee shall

1. Substituted by Act 21 of 1989.

2. Subs. for "two hundred" by Act 8 of 1993.

3. Substituted by Act 21 of 1989.

4. Substituted by Act 8 of 2001 into effect from 22.11.2000.

5. Added by Act 15 of 1995.

6. Omitted by Act 15 of 1995.

7. Sub.sections 7 and 8 substituted by Act 15 of 1995.

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 nonpayment of 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 nonpayment 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 nonpayment, and in other cases, the Trustee Committee shall remove the defaulter from the membership of the Fund.

(8A) Notwithstanding anything contained in the forgoing 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, show 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.
16. Payment from the Fund on cessation practice
- (1) A member of the Fund shall on cessation of practice be entitled to receive from out of the Fund an amount at the rate specified in the schedule.

¹[Provided that a member removed under sub-section (8) or sub-section (8A) of section 15 or a member who has not continued his membership of the Fund at least for five years shall be entitled, on cessation of practice.

1.Substituted of Act 15 of 1995.

- (a) after the commencement of Kerala Advocates Welfare Fund (Amendment) Act 1995, to fifty percentage of the amount at the rate of three thousand and one hundred and twenty five rupees calculated for every completed year of practice and
- (b) before commencement of the said, Act to fifty percent of the amount at the rate specified in sub-section (1A) calculate for every completed year of practice."
- (1A) Notwithstanding anything contained in sub-section (1) or any judgement decree or order of any court tribunal or other authority a member on cessation of his practice on or before 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 the amount shall be paid to his nominee or where there is no nominee to his legal heirs.

¹[(2A) Notwithstanding anything contained in sub-section (2), in the event of the death of a member while in active practice and before attaining the age of fifty-five years, his nominee or where there is no such nominee his legal heirs, as the case may be, shall entitled to receive from out of the Fund an amount at the rate specified in the schedule or an amount of two lakh rupees whichever is higher.]

²[(3)XXX]

³[(4) for calculating the period of completed years of practice for the purpose of payment

- (j) under sub-section (1) every two years of practice at the bar 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 voluntarily or otherwise shall be excluded:

Provided further that in the case of person who resumes practice after being in government service or in any other employment the period of practice counted for retirement benefit or other service benefits there in if any shall not be taken into account.

1. Inserted by Act 8 of 2001, with effect from 22-11-2000.

2. **Omitted by Act 21 of 1989.**

3. **Substituted by Act 21 Of 1989.**

Provided also that in the case of persons 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 within six months of his enrollment 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) In the case of a member who dies within five years of his admission to the Fund his nominee or legal heir as the case may be shall be eligible to get an amount at the rate of ¹[Three thousand one hundred and twenty five rupees per year of practice.]. Or five thousand rupees which ever is higher.

²[5(A) 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 form 5th day of April, 1981 and ending with 5th day of May,1989,³ [two thousand rupees per year of practice form the 6th day of May,1989,till the date proceeding the date of

commencement of 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 other wise eligible to be admitted as 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.

17. Restriction on alteration, attachment, etc of interest of members of the Fund

- (1) The interest of any member in the Fund , or right of a member or his nominee or legal heirs to receive any amount from the fund shall not be assigned alternated or charged and shall not be liable to attachment under any decree or order of any court, tribunal or other authority.
- (2) No creditor shall be entitled to processed against the Fund or interest therein of any member or his nominee or legal heirs.

Explanation: For the purpose of this section "credit includes the state or and official assignee or receiver appointed under the insolvency Act,1955 (2 of 1956) or any other law for the time being in force.

18. Group Life Insurance for members and other benefits

The Bar Council may for the welfare of the members of the Fund-

- (a) Obtain from Life Insurance Corporation of India policies of Group Insurance for the members of the Fund.

1. Subs by Act 21 of 1993.
2. Added by Act 21 of 1993
3. Substituted by Act 8 of 1993.

- (b) Provide for medical and educational facilities for the members of the Fund and their dependents ; and
- (c) Provide for such other benefits ads may be prescribed.

19. Meetings of Trustee Committee

- (1) The Trustee Committee shall meet at least once in three calendar months or more often it found necessary to transact business under this Act or the rules made thereunder.

- (2) ¹[Five] members of the Trustee Committee shall form the quorum for a meeting of the Committee.
- (3) The Chairman or in his absence a member elected shall preside over a meeting of the Trustee Committee.
- (4) Any matter coming up before a meeting of the Trustee Committee shall be decided by a majority of the members present and voting at the meeting and in the case of an equality of votes, the Chairman or the member presiding over the meeting shall have a casting vote.

20. Travelling and daily allowance to members of the Trustee Committee

Then non-official members of the Trustee Committee shall be eligible to get such travelling allowances and daily allowance as are admissible to the members of the Bar Council.

21. Appeal against decision of Trustee Committee

- (1) An appeal against any decision of the Trustee Committee shall lie to the Bar Council
- (2) The appeal shall be in the prescribed form and shall be accompanied by-
 - (a) the order appealed against and
 - ²(b) a receipt evidencing payment of one hundred rupees to the credit of the Bar Council in any the branches in Kerala of the State bank of India or its subsidiary Bank or in any Nationalized Bank or in any District Co-operative Bank in any Scheduled Bank]
- (3) The appeal shall be filed within thirty days from the date of receipt of the order appealed against.
- (4) The decision of the Bar Council on the appeal shall be final.

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 ³[five rupees and ten rupees] with Bar Council Emblem and its value inscribed thereon.

1. Substituted by Act 15 of 1995.

2. Added by Act 21 of 1989.

3. Substituted by Act 15 of 1995.

¹[(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 stamps through Bar Associations.

- (5) The Bar Council and the Bar Association shall keep proper accounts of the stamp in such form and in such manner as may be prescribed.
- (6) The Bar Association shall purchase the stamps from the Bar Council after paying the value thereof less ten percent of such value towards incidental expenses.
- (7) Every stamp affixed on vakalaths filed 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).

23. Vakalath to bear stamps

(1) ¹[Every vakalath filed by an advocate ²[who is a member of the fund] shall in addition to the court fee stamps affixed thereon be affixed with the welfare fund stamp of the value of ³[fifteen rupees] in the case of vakalath filed before the High Court and of the value of ⁴[ten rupees] in the case of vakalath filed before subordinate courts, tribunals and other authorities and no vakalath shall be valued 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 single Vakalath the maximum number of stamps that may be affixed thereon shall be three].

- (2) The value of 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.

24. Protection of action in good faith

No suit prosecution or other legal proceedings shall lie against any person for anything which is in good faith done and or intended to be done in pursuance of this Act or any rule made thereunder.

No suit or other legal proceedings shall lie against the Trustee Committee or the Bar Council for any damage caused or likely to be caused by anything

1 Substituted by Act 15 of 1995.
2 Inserted by 8 of 2001 w.e.f. 23.11.2001.
3 Subs.for "ten rupees" by Act 8 of 2001 w.e.f.22.11.2000.
4 Subs.for "five rupees" by Act 8 of 2001 w.e.f.22.11.2000.

which is in good faith or intended to be done in pursuance of this Act or any rule made thereunder.

25.Bar Jurisdiction of Civil Courts

No civil court shall have jurisdiction to settle decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Trustee Committee or the Bar Council.

26.Power to summon witness and take evidence

The Trustee Committee and the Bar Council shall , for the purpose of any enquiry under this Act have the same powers are vested in a civil court while trying a suit under the code of Civil Procedures, 1908, in respect of the following matters, namely-

- (a) enforcing the attendance of any person or examining him on oath:
- (b) Requiring the discovery and production of documents.
- (c) Receiving evidence on affidavit.
- (d) Issuing commission for the examination of witnesses.

27. Power to make rules

The Bar Council may with the previous approval of the Government by notification in the Gazette make rules for the purpose of carrying into effect the provisions of this Act.

¹schedule - I **(see section 9 and 16)**

32	years of practice	3,00,000/-
31		2,90,625/-
30		2,81,250/-
29		2,71,875/-
28		2,62,500/-
27		2,53,125/-
26		2,43,750/-
25		2,34,375/-
24		2,25,000/-
23		2,15,625/-
22		2,06,250/-
21		1,96,875/-
20		1,87,500/-

19	1,78,125
18	1,68,750

1. Substituted by Act 8 of 2001 w.e.f. 22.11.2000.

17	1,59,375/-
16	1,50,000/-
15	1,40,625/-
14	1,31,250/-
13	1,21,875/-
12	1,12,500/-
11	1,03,125/-
10	93,750/-
9	84,375/-
8	75,000/-
7.	65,625/-
6	56,250/-
5	46,875/-

KERALA ADVOCATES WELFRE FUND RULES , 1981

Noti.No.KBC/Govt.26/1981, dt.27.03.1981, published in K.G.Ext.No.245, dt. 27.03.1981

In exercise of the powers conferred by S.27 of the Kerala Advocates Welfare Fund Act,980(21 of 1980) and of all other powers thereunto enabling, the Bar Council of Kerala, with the previous approval of Government thereby makes the following rules namely.

RULES

1. Short title

These Rules may be called "The Kerala Advocates' Welfare Fund Rules 1981".

2. Definitions

In these Rules, unless the context otherwise requires –

- (a) "Act" means the Kerala Advocates Welfare Fund Act,1980.
- (b) "Form" means a form appended to these rules ;
- (c) "permanent' disablement" means such disablement which incapacitates a person to continue his practice as an Advocate;
- (d) "practice" means carrying on the profession of advocate;
- (e) "standing" means practice at the Bar

3. Application for recognition and registration of Bar Association

- (1) An application under section 13 of the Act by any association of advocates

functioning in any court center to the Bar Council for recognition and registration shall be in Form No.1

(2) Every application in Form No. 1 shall be accompanied by an authenticated copy of the rules and/or bye-laws of the Association, an upto date list of the members of the Association, showing their names, address, age, date of birth, date of enrolment, the roll number in the State roll maintained by the Bar Council under S. 187 of the Advocates Act 1961 (Central Act 25 of 1961) the place where the member ordinarily practices the period of suspension, if any, and such application shall be duly signed by the President and Secretary of the association.

(3) The Certificate of registration to be issued by the Bar Council shall be in Form No. 11

(4) The Bar Council may recognize and register more than one Bar Association at a Court center for special reasons to be recorded in writing.

4. Application for membership in the Fund

(1) Every application under Section 15 of the Act for admission as a member of the Fund shall be in form No. III signed by the applicant and attested by the President and Secretary of the Bar Association of which he is a member.

(2) An advocate having membership in more than one Bar Association shall be eligible to apply to admitted as a member of the Fund only from one of such associations.

(3) An advocate applying for membership of the Fund shall pay a sum of Rs. 50 towards the first installment of the application fee along with the application and the remaining amount of Rs. 150 shall be paid in the three equal installments within a period of one year from the date of application;
Provided that an applicant may, if he so chooses, remit the entire application fee along with the application.

(4) Payment of the application fee shall be by means of crossed Demand Draft drawn in favour of the Trustee Committee.

(5) On admission of a member to the Fund, the Trustee Committee shall issue a certificate in Form No. IV.

(6) The Trustee Committee shall prepare and maintain a register of members in Form No. V.

(7) Any decision of the Trustee Committee rejecting an application for admission shall be communicated to the applicant by registered post with acknowledgment due.

(8) The Trustee Committee shall remove any member from the membership of the Fund if he fails to remit the annual subscription before the 30th June of that year.

Provided that no such order removing the name of a member from the membership of the Fund shall be passed without giving an opportunity of his being heard.

***5 Re-admission to the Fund:**

(1) An application for re-admission to the Fund shall be in Form No. VI

* Substituted by SRO 33/87 Pub. In K.G. Ex. 24 dt. 8-1-1987 with immediate effect.

(2) Along with the application, the applicant shall pay in lump to the Fund, the application fee of two hundred rupees together with the amount received by him under Section 16 of the Act with interest calculated at the rate of 12 per cent per annum from the date of receipt of the amount from the Fund till the date of application.

(3) The remittance of the amount shall be made by means of a crossed Demand Draft drawn in favour of the Trustee Committee.

(4) On receipt of an application together with the amount specified in Sub rule (2), the Trustee Committee shall make such enquiry as it deems fit, and either readmit the applicant to the Fund or for reasons to be recorded in writing reject the application.

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

(5) If the Trustee Committee rejects an application for the readmission. The amount remitted by the applicant shall be refunded.

6. Printing and Distribution of stamps-

(1) The stamps shall be printed in such manner and at such press as may be decided

by the Bar Council from time to time

(2) The Secretary of the Bar Council shall be the custodian of the stamps and he shall maintain the following records and registers:-

- I Register showing the order placed for the printing of stamps
- II Register showing the stock of stamps with the following heads:
 - (a) Serial number
 - (b) Date
 - (c) Opening stock
 - (d) Receipt
 - (e) Issue
 - (f) Balance
- III Day Book
- IV Ledger
- V Cash Book
- VI Receipt book with inner foil and
- VII Such other registers and records as may be directed by the Bar Council from time to time.

(3) Sale of stamps by the Bar Council shall be to the Bar Associations on request made by the Associations.

(4) The President and the Secretary of every Bar Association shall be responsible to the Bar Council for the distribution of stamps to its members and shall maintain proper accounts pertaining to the same, and for this purpose maintain a register showing the stock of stamps with the following heads:

- I
 - (a) Serial number
 - (b) Date
 - (c) Opening stock
 - (d) Receipt

- (e) Issue
- (f) Balance

- II Day Book
- III Leger
- IV Cash Book

(5) Purchase of stamps by the Bar Associations shall be by means of crossed demand drafts in favour of the Trustee Committee drawn on the State Bank of India, Ernakulam or by cash.

7. Collection of Amounts due to the Fund

- (1) The Bar Council shall transfer to the Fund 20% of the enrolment fee collected during a financial year, before the 30th June of the succeeding year.
- (2) The amount set apart from the Legal Benefit Fund under sub section (2) of section 76 of the Kerala Court Fees and Suits Valuation Act,1959, shall be paid to the Fund before the 1st day of August of every year.
- (3) The Secretary of the Trustee Committee shall collect all sums specified in sub-section (2) of section 3 of the Act and deposit the same in the fund Account forthwith
- (4) Separate account shall be maintained for the receipts under each of clauses(a) to (k) of sub-section (2) of section 3 of the Act.

8. Functions of Trustee Committee.

- (1) Trustee Committee may receive application for payment out of the Fund from any member or his nominees or his legal representatives, as the case may be, in Form No.VII.
- (2) All disbursements of amounts payable under section 16 of the Act shall be by account payee cheques signed by the Treasurer.
- (3) The Trustee committee shall sent to the Bar Council and Government quarterly and annual reports showing the receipts to and disbursements from the Fund and other particulars and on such other occasions as may be required by the Bar Council.

- (4) All decisions of the Trustee Committee rejecting any claim to the benefit of the Fund shall be communicated to the applicant by registered post with acknowledgement due.

9. Notice, quorum, etc. of meeting of the Trustee Committee.

- (1) Then clear days' notice shall be given for a meeting of the Trustee Committee.
- (2) The quorum for a meeting of the Trustee Committee shall be five.
- (3) The meetings of the Trustee Committee shall be ordinarily held at the office of the Bar Council.
- (4) The meetings of the Trustee Committee shall be presided over by the Chairman and in his absence by a member chosen by the members present at the meeting.

10. Appeal

- (1) An appeal under Section 21 shall be in Form No. VIII and shall be verified in the manner provided therein
- (2) The Bar Council shall fix a date and place for the hearing of the appeal and may, from time to time adjourn the hearing.
- (3) The Bar Council may,
 - (a) before disposing of an appeal, make such further enquiry as it thinks fit or cause such further enquiry to be made by the Trustee Committee or the Secretary;
 - (b) in disposing of an appeal, pass such order as it, including an order of remand to the Trustee Committee for fresh disposal.

11. Removal from membership caused by misrepresentation or fraud on Fund. The trustee Committee may, if satisfied that any person has got himself admitted to the membership of the Fund by misrepresentation or suppression of any material fact or by fraud, remove the name of such person from the membership of the Fund after affording him an opportunity of being heard. On such removal all benefits accrued to such member by virtue of the provisions of the Act and these Rules shall stand forfeited.

12. Reduction of amount on failure to intimate suspension of practice or retirement. – In respect of any case falling under sub-section (12) of section 15 of the Act, the Trustee Committee may, after conducting such enquiry as it deems fit in its discretion, reduce the amount payable to a member upto a maximum limit of 50%.

13. Members to affix stamp on vakalaths.- Every member of the Fund shall affix one stamp on every vakalath filed by him and no vakalath shall be filed before, or received by, any court, tribunal or other authority unless it is so stamped.

Provided that the court, tribunal or other authority may receive a vakalath not bearing the stamp filed by an Advocate who is not a member of the Fund, if such vakalath is accompanied by a declaration by him that he is not a member of the Fund.

14. Medical and Educational Facilities.

- (1) A member may be allowed grant from the Fund:-
 - (i) in case of hospitalization lasting for one month or more or involving a major surgical operation; or
 - (ii) on his suffering from tuberculosis, leprosy, paralysis, cancer, unsoundness of mind, or from such other serious diseases or disabilities; or
 - (iii) as educational aid to him or his dependants.
- (2) The grant shall be allowed only after the Trustee Committee is satisfied about the genuineness of the claim.
- (3) The grant so allowed shall not exceed a sum of Rs. 2,500 for any one of the purposes specified in clauses (i), (ii) or (iii) of sub-rule (1) during a period of five years.
- (4) An application for medical aid shall be in Form No. IX and an application for educational aid shall be in Form No. X.

FORM NO. I

(See Section 13 and rule 3(1))

application for Recognition and Registration

1. Name of the Association
2. Whether registered under the Societies Registration Act or other similar Act. (Give details)
3. Name of Courts in the Centre
4. Number of members practicing at the time of application (Name, address, date of enrolment, age and date of birth, date of suspension and resumption if any) (Details should be furnished separately)
5. Names and addresses of the President and secretary.

We do solemnly affirm that the particulars stated above are true and correct.

Place: President

Date: Secretary

(Seal of the Association)

(Emblem of Bar Council)

FORM NO. II

(See Section 13 and rule 3(3))

THE BAR COUNCIL OF KERALA
Certificate of Registration

The Bar Council of Kerala, do hereby certify that the Association is Registered under Section 13 of the Advocates' Welfare Fund Act, 1980 and its registration No. is Given under my hand and Seal of the Bar Council of Kerala.

Dated this the day of 198.....

(Seal)

Chairman.

FORM NO. III

(See Section 15 and rule 4(1))

Application for Admission to the Welfare Fund

1. Name and address (In block letter)
2. Age and date of birth of applicant
3. Date of enrolment under the Advocates Act, 1961.
4. details of practices*
5. Number of vakalath filed for the last five years (approximately)
6. Place or places of practice
7. Suspension or discontinuance of practice if any, with the details of suspension and resumption.
8. Name and address of the nominee or nominees with the proportion of share to be paid to each.
9. Amount and date of payment to the Fund under section 15(3) (Receipt to be attached)
10. Admission fee how paid

I, do solemnly affirm that the particulars furnished above are true and correct.

Place:

Date :

Signature of the applicant.

*In case the applicant has practiced in more than one Court Centre, certificate from the President or Secretary of each Bar Association has to be furnished.

FORM NO. IV

(See Section 15(2) and rule 4(5))

Kerala Advocate's Welfare Fund Trustee Committee Certificate of Membership

The Kerala Advocates' Welfare Fund Trustee Committee certify that Shri/Smt.is admitted to the membership of the said Fund under Section 15(2) of the Advocates' Welfare Fund Act, 1980.

Given under my hand and seal of the Kerala Advocates' Welfare Fund Trustee Committee.

Dated this the day of 198.....

(Seal)

Chairman

FORM NO. V

(See rule 4(6))

Form of Register of Members Admitted to the Welfare Fund

Serial No.	Membersh- ip number	Name & address of Member	Name of Bar Associ- ation in Which he Is a member	Date of birth with age	Date of Enrolment as Advocate	State Roll of Advocates Fund	No. in the Admission to the	Date of years of standing or date of admission As com- Puted Under Sec- Tion 16(4)	Number of Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	

FORM NO. VI

(See Section 15(8) and rule 5(3))

Application for Re-Admission to the Welfare Fund

1. Name and address (In block letters)
2. Age and date of birth of appliccant
3. Date of enrolment under the Advocates Act, 1961.
4. Details of practice*
5. Number of vakalath filed for the last five years (approximately)
6. Place or places of practice
7. Suspension or discontinuance of practice if any, with details of suspension and resumption.
8. Name and address of the nominee or nominees with the proportion of share to be paid to each.
9. Amount and date of payment to the Fund under

- Section 15(3) (Receipt to be attached)
10. Admission fee how paid
 11. Date of previous admission to the Membership of the Fund
 12. Date of previous retirement from the Fund

I, do solemnly affirm that the particulars furnished above are true and correct.

Place:

Date:

Signature of the Applicant.

* In case the applicant has practiced in more than one Court Centre, certificate from the President or Secretary of each Bar Association has to be furnished.

FORM NO. VII

(See section 16 and rule 8(1))

Application for payment from the Fund

1. Name and Address (In block letters)
2. Age and date of birth of member
3. Date of enrolment under the Advocates Act, 1961
4. Registration Number, under the Advocates' Welfare Fund Act, 1980.
5. Details of practice*
6. Number of vakalath filed for the last five years (Approximately)

7. Place or places of practice
8. Completed years of practice excluding period of suspension, removal and cessation of practice.
 - (1) Before the Act:
 - (2) After the Act:
9. Date of retirement cessation of practice/death

Place:

Date:

Signature of the Applicant

* In Case the applicant has practiced in more than one Court Centre, certificate from the President and Secretary of each Bar Association has to be furnished.

FORM NO. VIII

(See Section 21 and rule 10(1))

Before the Bar Council of Kerala

(Appeal under Section 21)

Appeal No. of 198.....

1. Name and address (In block letters)
2. Number and date of order appealed against
3. Date of receipt of order
4. Number and date of receipt evidencing payment
5. Statement of facts
6. Grounds of appeal

I do solemnly affirm that the particulars furnished above are true and correct.

Place:

Date:

Signature of the Applicant.

FORM NO. IX

(See Section 18(b) and rule 14(4))

Application for Medical Aid

1. Name and address of the Member
(In block letters)
2. Age and date of birth of the Member
3. Date of enrolment of Member
4. Name and address of the patient showing
his relationship with the Member
5. Name and address of the medical practitioner
who is attending the patient.
6. Details regarding the disease
7. Amount required for the treatment

DECLARATION

I,..... do hereby solemnly affirm that the particulars furnished above are true and correct.

Place:

Date:

Signature of the Applicant.

FORM NO.X

(See Section 18(b) and rule 14(4))

Applied for Educational Aid

1. Name and address of the Member (In block letters)
2. Age and date of birth of the Member
3. Date of enrolment of member
4. Name and address of the student showing his relationship with the Member
5. Name and address of the institution where the applicant has been admitted.
6. Details regarding the course of study

DECLARATION

I..... do hereby solemnly affirm that the particulars furnished above are true and correct.

Place :

Date:

Signature of the applicant

Government of Kerala
2008

Reg. No. KLT(N)/12/2006-2008

**KERALA GAZETTE
EXTRAORDINARY**

PUBLISHED BY AUTHORITY

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Monday

20th Jyaishta 1930

GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 10582/Leg. B2/08/Law dated, Thiruvananthapuram 10th June, 2008/20th Jyaista
1930

The following Ordinance Promulgated by the Governor on the 10th day of June,
2008 is hereby published for general information.

By Order of the Governor,

V.G. KUMARI GIRIJA,
Additional Secretary (Law),
In charge of Special Secretary.

ORDINANCE NO. 18 OF 2008
KERALA ADVOCATES' WELFARE FUND (AMENDMENT)
ORDINANCE 2008

Promulgated by the Governor of Kerala in the Fifty-ninth year of the Republic of India.

AN

ORDINANCE

Further to amend the Kerala Advocates' Welfare Fund Act, 1980

Preamble- WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:---

1. *Short title and commencement* – (1) This Ordinance may be called the Kerala Advocates' Welfare Fund (Amendment) Ordinance, 2008.

(2) It shall come into force at once.

2. *Act 21 of 1980 to be temporarily amended* – During the period of operation of this Ordinance, the Kerala Advocates' Welfare Fund Act, 1980 (21 of 1980) (hereinafter referred to as the Principal Act), shall have effect subject to the amendments specified in Sections 3 to 12.

3. *Amendment of Section* : - In Section 2 of the Principal Act -

(i) clause (a) shall be numbered as clause (aa) and before clause (aa) so renumbered, the following clause shall be inserted, namely:-

“(a) “actual practice” means carrying on the profession of an advocate and filing of at least 5 vakalath per year in case of Advocates other than Senior Advocates under the Advocates Act, 1961 (Central Act 25 of 1961)”

(ii) in clause (aa) as so renumbered , the words “and who is a member of the Bar Association shall be added at the end;

(iii) in clause (d) ---

(a) after the words ‘on account of his retirement’ the words “due to chronic ailment which permanently incapacitates him to carry on the profession of an Advocate” shall be added, and

(b) for the word “death” the words “on completion of fifteen years of continuous membership” shall be substituted

(iv) after clause (d), the following clause shall be inserted namely:-

“(dd) “chronic ailment” means physical or mental ailment which incapacitates a lawyer to continue his professional practice forever.”

4. *Amendment of Section 3*:- In sub-section (2) of section 3 of the Principal Act, after clause (k), the following clause shall be inserted, namely:-

“(1) the sum repaid under item (a) of rule 4 in Chapter 5 of the Bar Council of Kerala Rules.”

5. *Amendment of Section 9* – In sub-section (2) of section 9 of the Principal Act, after clause (g), the following clause shall be inserted, namely:-

(gg) issue pass book with photograph to the members of the fund, on payment of such fee as may be fixed by the Trustee Committee from time to time.”

6. *Amendment of Section 11* – In Section 11 of the Principal Act, after clause (h), the following clause shall be inserted, namely:-

“(hh) 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.

7. *Amendment of section 14:-* After sub-section (2) of section 14 of the Principal Act, the following sub-sections shall be inserted namely:-

“(3) Every Bar Association shall receive subscriptions mentioned in Sub-section (5) of Section 15 from its members who are in active practice and remit the same to the fund forthwith.

(4) Every Bar Association shall issue certificates of recommendations as stated 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 actively practicing as an advocate.”

8. *Amendment of Section 15:-* In Section 15 of the Principal Act,-

(i) in sub-section (1a), after the words “after retirement”, the words “or resignation” shall be inserted;

(ii) after sub-section (1a), the following sub-section shall be inserted, namely:-

“(1b) A person who received retirement benefit from the fund shall not be admitted as member of the fund.”

(iii) in sub-section (3) for the words “three hundred” the words “five hundred” shall be substituted;

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

“(5) Every member 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 Bar is less than five years. | three hundred rupees |
| (ii) Where the standing of the Advocate at the Bar is five years and more, but less than ten years | Seven hundred and fifty rupees |
| (iii) Where the standing of the Advocate at the Bar is fifteen years and more but less than twenty years. | two thousand rupees |
| (v) Where the standing of the Advocate at the Bar is twenty years and more but less than twenty five years. | two thousand and five hundred rupees. |
| (vi) On or above twenty five years | three 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 at the rate of five thousand rupees."

(v) after sub-section (5) of the Principal Act, the following sub-section shall be inserted, namely:-

"(6) the payment referred to in sub-section (5) shall be made through the Bar Association in which the contributor is a member of 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."

(vi) in sub-section (7) for the words at the rate of five rupees per month or part thereof, the words "at the rate of twelve per cent per annum" shall be substituted.

(vii) after sub-section (12) the following sub-section shall be inserted namely:-

"(13) A member who voluntarily suspended his membership may resume his membership in the fund on payment of two thousand rupees as resumption charges, provided he had resumed his practice as an Advocate before the Bar Council."

9. Amendment of section 16 – In section 16 of the Principal Act -

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

(1) A member of the fund shall on occasion of practice be entitled to receive from out of the fund an amount at the rate specified in the schedule for every completed year of practice, till the commencement of the Kerala Advocates Welfare Fund (Amendment) Ordinance, 2008 (18 of 2008) and thereafter at the rate of fourteen thousand two hundred and eighty five rupees for every completed year of practice subject to a maximum amount of five lakh rupees in aggregate.

Provided that a member who opts retirement benefits before the completion of 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 per cent thereof, except in the case of cessation due to chronic ailment."

(ii) In sub –section (2A), after the words “or an amount of two lakh rupees whichever is higher”, the words, “for every completed year of practice till the commencement of the Kerala Advocates’ Welfare Fund (Amendment) Ordinance, 2008 (18 of 2008) and thereafter at the rate of fourteen thousand two hundred and eighty five rupees for every completed year of practice subject to a maximum amount of five lakh rupees in aggregate” shall be inserted;

(iii) in clause (i) of sub-section (4), for the words, brackets and figure ‘sub-section (1)’, the words, brackets and figures “sub-sections (1) and (2): shall be substituted;

(iv) sub-sections (5) and (5A) shall be omitted;

(v) after sub-section (7), the following sub-section shall be inserted, namely:-

“(8) The person who had availed the entire welfare fund benefits and thereafter remitted that 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 such amount with six per cent interest from the date of remittance on his cessation of practice or death:

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

10. *Amendment of section 18* – In clause (b) of Section 18 of the Principal Act, for the words “and their dependents”, the words “a maximum amount of five thousand rupees” shall be substituted.

11. *Amendment of Section 22* – In Section 22 of the Principal Act -

(i) in sub-section (1) for the words “five rupees and ten rupees”, the words “fifteen rupees and twenty five rupees” shall be substituted.

(ii) in sub-section (4), after the words “through Bar Associations”, the words “or through the outlet set up by the bar Council for the purpose” shall be added.

12. *Amendment of Section 23* – In sub-section (1) of section 23 of the Principal Act,-

(i) the words “who is a member of the fund” shall be omitted;

(ii) for the words, “fifteen rupees and “ten rupees”, the words “twenty five rupees” and “fifteen rupees” shall respectively be substituted.

(iii) after the existing proviso, the following proviso shall be added, namely:-

“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.”

R.L. BHATIA,
GOVERNOR.