THE KERALA ADVOCATES' WELFARE FUND ACT, 1980 (Act 21 of 1980)

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SCHEDULE

THEKERALA ADVOCATES' WELFARE FUND ACT, 1980 *

Act 21 of 1980

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 therewith or incidental thereto.

Preamble.—WHEREASit is expedient to provide for the constitution of awelfare 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.

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

[1][(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];

[2][(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) [3][and who is a member of the Bar Association] **;**

[4][(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) **;**

[5][(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 [6][on completion of fifteen years of continuous membership in the Fund or due to permanent disablement] or death [7][*****]]**;**

(e)"dependents" means wife, husband, father, mother and [8][sons and daughters] or such of them as exist**;**

*Received the assent of the President on the 5th day of December, 1980 and published in the Kerala Gazette Extraordinary No. 1050 dated 10th December 1980.

1. Substituted by Act 21 of 2016.
2. Renumbered by Act 2 of 2011.
3. Added by Act 2 of 2011.
4. Inserted by Act 21 of 2016
5. Substituted by Act 15 of 1995.
6. Substituted by Act 2 of 2011.
7. Omitted by Act 2 of 2011.
8. Substituted by Act 21 of 1989.

(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 ;

[1][(ga) "Non-practising Advocate" means an Advocate who is not in actual practice;

(gb) "Practising Advocate" means an Advocate in actual practice;]

2[(gg) "Permanent disablement" means such physical or mental disablement which totally in capacitates 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.

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 section 12 ;

(b)any other contribution made by the Bar Council ;

(c)any voluntary 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 section 76 of the Kerala Court Fees and Suits Valuation Act, 1959 (10 of 1960), for providing social security measures for the legal profession ;

(f)any sum borrowed under section 10 ;

(g)all sums received from the Life Insurance Corporation of India on the death of an advocate under the Group Insurance Policy ;

(h)any profit or dividend received from 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 section 22 ;

(k)all sums collected under section 15 by way of application fees and annual subscriptions and interest thereon.

1. Inserted by Act 21 of 2016.

2. Inserted by Act 2 of 2011.

1[(l) the sum repaid under item (a) of rule 4 in Chapter 5 of the Bar Council of Kerala Rules issued under the Advocates Act, 1961 (Central Act 25 of 1961).]

(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 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) [2][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.*

[3][(g) the President of the Kerala Bar Federation*, ex-officio*.]

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

(5) A member nominated by the Bar Council under clause (d) of 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.

5.*Disqualifications and removal of nominated members of Trustee Committee.*— (1) A member nominated under clause (c) or clause (d) of sub-section (3) of section 4 shall be disqualified to be a member of the Trustee Committee, if he—

(a)becomes of unsound mind; or

(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 a criminal court for an offence involving moral turpitude, unless such conviction has been set aside.

1. Inserted by Act 2 of 2011.

2. Substituted by Act 21 of 1989.

3. Inserted by Act 21 of 1989.

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

Provided that no order removing any 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 filling up ofcasual vacancies.*— (1) Any member nominated under clause (c) or clause (d) of sub-section (3) of section 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 of a 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 provisions, and for the purposes of this Act.

9. *Function 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 of 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 within five months from the date of receipt thereof;

1. Inserted by Act 15 of 1995.

(d) record in the minutes book of the Trustee Committee its decisions on the applications;

(e) pay to the applicants amounts at the rates specified [1][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 applications for admission or readmission to the Fund or claims to the benefit of the Fund ;

[2][(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;]

[3] [(gh) provide assistance to the Advocates Academy;

(gi) to provide stipend to advocates who have less than three years standing at the Bar, who have not attained the age of thirty years and who have an annual income of less than rupees 1,00,000 (rupees one lakh), at the rate determined by the Trustee Committee from time to time, and approved by the Government;]

(h) do such other acts as are, or may be, required to be done under this Act and the rules made thereunder.

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.

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 subsection (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 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;

1. Substituted by Act 15 of 1995
2. Inserted by Act 2 of 2011.
3. Inserted by Act 21 of 2016.

(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;

[1][(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.

12. *Transfer of certain monies to the Fund.*—The Bar Council shall pay to the Fund annually an amount equal to twenty per cent of the enrolment fees realised by it.

13. *Recognition and registration of Bar Association.*—(1) All associations of advocates known by any name functioning in any court centre may, [2][*****] apply to the Bar Council in such form as may be 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 addresses of the office-bearers of the association and an up-to-date list of the members of the association showing the name, address, age, date of enrolment 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 of registration in such form as may be prescribed:

[3][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.

[4][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 section 14:

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

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.

[5][(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.]

1. Inserted by Act 2 of 2011.

2. Omitted by Act 21 of 1989

3. Added by Act 21 of 1989.

4. Inserted by Act 21 of 1989.

5. Inserted by Act 2 of 2011.

15.*Membership in the Fund.*—[1][(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.]

[2][(1B) A person who received retirement benefit from the Fund shall not be re-admitted as member of the Fund.]

[3][(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 up to 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 cither 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.

4[(3) An Advocate applying for membership to the Fund shall pay a sum of rupees 5[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.]

1. Substituted by Act 21 of 2016
2. Inserted by Act 2 of 2011.
3. Inserted by Act 21 of 2016
4. Substituted by Act 21 of 1989.
5. Substituted by Act 2 of 2011.

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1[(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 Bar is less than five years. .. Five hundred rupees

(ii) Where the standing of the Advocate at the Bar is five years and more, but less than ten years .. One thousand rupees

(iii) Where the standing of the Advocate at the Bar is ten years and more, but less than fifteen years .. Two thousand rupees

(iv) Where the standing of the Advocate at the Bar is fifteen years and more but less than twenty years .. Two thousand and five hundred rupees

(v) Where the standing of the Advocate at the Bar is twenty years and more but less than twenty five years .. Three thousand rupees

(vi) Where the standing of the Advocate at the Bar is twenty five years and more but less than thirty years .. Three thousand and five hundred rupees

(vii) Where the standing of the Advocate at the Bar is thirty years or above .. Four 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 to the Fund at the rate of six thousand rupees.];

2[(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.] 3[(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 [4][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.]

1. Substituted by Act 21 of 2016.
2. Inserted by Act 2 of 2011.
3. Substituted by Act 15 of 1995.
4. Substituted by Act 2 of 2011.

(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.

[1][(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.]

16. *Payment from the Fund on cessation of practice.*—[2][(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 [3][rupees twenty five thousand] for every completed actual years of practice subject to a maximum amount of [4][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.]

[5][(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;]

6[(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 7[ten lakh rupees] whichever is higher.]

8[(2A) *****]

9[(3) *****]

1. Substituted by Act 21 of 2016.
2. Substituted by Act 2 of 2011.
3. Substituted by Act 21 of 2016.
4. Substituted by Act 21 of 2016.
5. Inserted by Act 15 of 1995.
6. Substituted by Act 2 of 2011.
7. Substituted by Act 21 of 2016.
8. Omitted by Act 2 of 2011.
9. Omitted by Act 21 of 1989.

1[(4) For calculating the period of completed years of practice for the purpose of payment-

2[(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:

3[******]

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.]

4[(5) *****]

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 6[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.

7[(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.]

17. *Restriction on alienation, attachment, etc, of interest of member in the Fund .*— (1) The interest of any member in the Fund, or the right of a member or his nominee or legal heirs to receive any amount from the Fund, shall not be assigned, alienated, or changed 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 proceed against the Fund or the interest therein of any member or his nominee or legal heirs.

Explanation. —For the purposes of this section, "creditor" includes the State, or an official assignee or receiver appointed under the Insolvency Act 1955 (2 of 1956) or any other law for the time being in force.

1. Substituted by Act 15 of 1995.
2. Substituted by Act 2 of 2011.
3. Omitted by Act 2 of 2011.
4. Omitted by Act 2 of 2011.
5. Inserted by Act 21 of 1989.
6. Substituted by Act 8 of 1993
7. Inserted by Act 2 of 2011

18.*Group Life Insurance for members and other benefits.*—The [1][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 [2][a maximum amount of five thousand rupees] [3][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.

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

(2)[4][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 Trustee Committee.*— The non-official members of the Trustee Committee shall be eligible to get such travelling allowance and daily allowance as are admissible to the members of the Bar Council.

21.*Appeal against decisions 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

(b) a receipt evidencing payment of one hundred rupees to the credit of the Bar Council in any of the branches in Kerala of the State Bank of India [5][or its subsidiary Banks, in any Nationalised

Bank or in any District Co-operative Bank or 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 [6][fifteen rupees and twenty five rupees] with the Bar Council Emblem and its value inscribed thereon,

[7][(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 [8][or through the outlets setup by the Bar Council for the purpose].

1. Substituted by Act 2 of 2011.
2. Inserted by Act 2 of 2011.
3. Inserted by Act 21 of 2016.
4. Substituted by Act 15 of 1995.
5. Inserted by Act 21 of 1989.
6. Substituted by Act 2 of 2011.
7. Substituted by Act 15 of 1995.
8. Added by Act 2 of 2011.

(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).

23.*Vakalath to bear stamps.*—[1][(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.]:

[2][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.]

[3][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 laws.]

(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.

24.*Protection of action taken in good faith.—(1)* No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

(2) No suit or other legal proceeding shall lie against the Trustee Committee or the Bar Council for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

25.*Bar of 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 witnesses and take evidence.*—The Trustee Committee and the Bar Council shall, for the purposes of any enquiry under this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 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 commissions 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.

1. Substituted by Act 21 of 2016.
2. Substituted by Act 15 of 1995.
3. Added by Act 2 of 2011.

[1][SCHEDULE

[See sections 9 and 16)

32	years' practice	Rs.3,00,000
31	”	Rs.2,90,625
30	”	Rs.2,81,250
29	”	Rs.2,71,875
28	”	Rs.2,62,500
27	”	Rs.2,53,125
26	”	Rs.2,43,750
25	”	Rs.2,34,375
24	”	Rs.2,25,000
23	”	Rs.2,15,625
22	”	Rs.2,06,250
21	”	Rs.1,96,875
20	”	Rs.1,87,500
19	”	Rs.1,78,125
18	”	Rs.1,68,750
17	”	Rs.1,59,375
16	”	Rs.1,50,000
15	”	Rs.1,40,625
14	”	Rs.,1,31,250
13	”	Rs.1,21,875
12	”	Rs.1,12,500
11	”	Rs.1,03,125
10	”	Rs.93,750
9	”	Rs.84,375
8	”	Rs.75,000
7	”	Rs.65,625
6	”	Rs.56,250
5	”	Rs.46,875]

1. Substituted by Act 21 of 2016