

THE KERALA ADVOCATES' WELFARE FUND RULES, 1981

NOTIFICATION

No.KBC/Govt.26/1981 *Dated, Trivandrum, 27th March, 1981.*

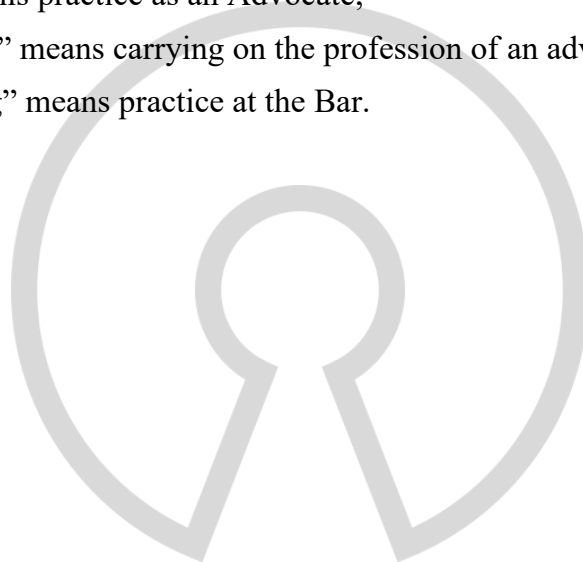
In exercise of the powers conferred by section 27 of the Kerala Advocates' Welfare Fund Act, 1980 (21 of 1980) and of all other powers thereunto enabling the Bar Council of Kerala, with the previous approval of Government, hereby makes the following rules, namely:-

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 an 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. I.

(2) Every application in Form No. I shall be accompanied by an authenticated copy of the rules and/or by-laws of the Association, an up-to-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 section 17 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. II.

(4) The Bar Council may recognise and register more than one Bar Association at a court centre, 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.



1[(1A) Every application under sub-section (1E) of Section 15 of the Act for admission as a member to the Fund with the right to claim previous actual practice shall be in



Form XI 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 be 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 instalment of the application fee along with the application and the remaining amount of Rs. 150 shall be paid in three equal instalments 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 acknowledgement 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.



2[5. *Re-admission to the Fund.*—(1) An application for re-admission to the Fund shall be in



Form No. VI.

(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

¹ Inserted by Notification No.KBC/Govt.1488/2017 in the KG No.35 dated 04.09.2018.

² Substituted by S.R.O. No.33 of 1987 in the K.G. Ext. No.24. dated 08.01.1987

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 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 Ledger

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) The 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 send 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) Ten 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 three.

(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 thinks fit, including an order of remand of the Trustee Committee for fresh disposal.

(4) A copy of every order passed on appeal, certified as true and correct by the Secretary, shall be communicated to the appellant and the Trustee Committee.

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 hospitalisation lasting for one month or more or involving a major surgical operation; or

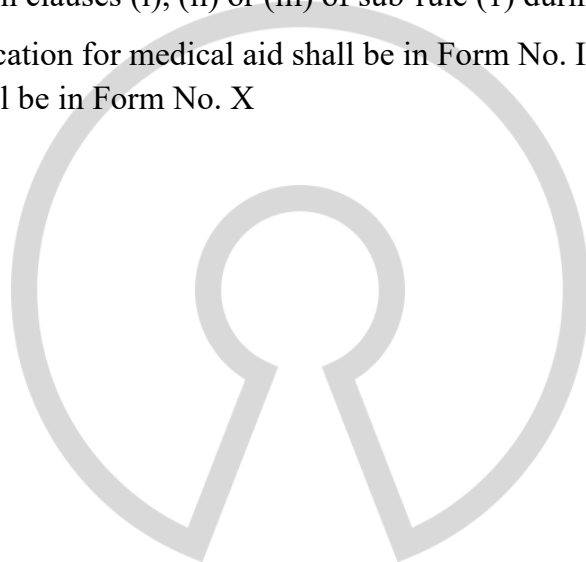
(ii) on his suffering from tuberculosis, leprosy, paralysis, cancer, unsoundness of mind, or from such other serious diseases or disabilities; or

(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



¹[15. *Interest Free Loan*.—The Trustee Committee may, subject to availability of fund, sanction an interest free loan amount up to ` 10,000 (Rupees ten thousand only), on an application in



Form XII by a member who is unable to practice due to a lock down declared by the Government pursuant to outbreak of any epidemic disease notified under any law for the time being in force subject to the following conditions, namely:—

(i) The member of the Fund applying for interest free loan shall not be a defaulter under sub-section (7) of section 15 of the Act as on the date of submission of the application;

(ii) The maximum amount of loan permissible shall be the amount standing at the credit of the applicant or an amount up to ` 10,000 (Rupees ten thousand only) whichever is lesser;

(iii) The loan amount shall be repaid by the member either in instalments or in lump without interest within a period of 15 months;

(iv) If the loan amount is not repaid within the stipulated period, the outstanding loan shall carry interest at the rate of 12% per annum.]

¹ Added by Notification No.KBC/WF/GOV/04-01/2020 in the K.G. Ext. No.1052 dated 13.04.2020.



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
3. Registration Act or other similar Act. (Give
4. details)
5. Name of Courts in the Centre
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)
Names and addresses of the President and
secretary

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

Place:

Date:

(Seal of the Association)

President

Secretary

(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,
4. 1961.
5. Details of practices*
6. Number of vakalath filed for the last five years
7. (approximately)
8. Place or places of practice
9. Suspension or discontinuance of practice if any,
with details of suspension and resumption.
10. Name and address of the nominee or nominees
with the proportion of share to be paid to each.
Amount and date of payment to the Fund under
section 15 (3) (Receipt to be attached)
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 Advocates' 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**

<i>Serial No.</i>	<i>Membership Number</i>	<i>Name & address of Member</i>	<i>Name of Bar Association in which he is a Member</i>	<i>Date of birth with age</i>	<i>Date of Enrolment as Advocate</i>	<i>No. in the State Roll of Advocates</i>	<i>Date of Admission to the Fund</i>	<i>Number of years of Standing or date of admission as com- puted under Section 16(4)</i>	<i>Remarks</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)



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 letter)
2. Age and date of birth of applicant
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

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

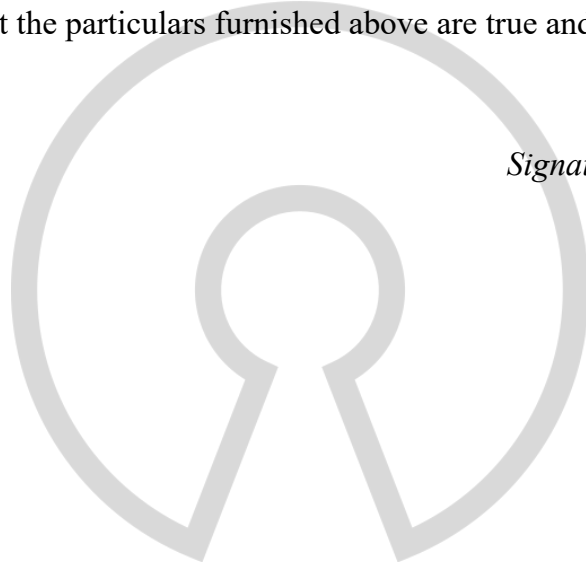
DECLARATION

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)]

Application for Educational Aid

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

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

1[FORM NO. XI

[See Section 5 (1E) and Rule 4 (1A)]

Option Form for Admission to the Fund with right to claim previous actual practice

1. Name :
2. Address with Pin Code and Cell No. :
3. Date of Enrolment & Roll Number :
4. Number of Vakalaths filed till the date of filing of the application (approximate) :
5. Subscription payable corresponding to the period of actual practice :
6. Number of completed years of practice from the date of enrolment till the date of filing application for admission with option form :
7. Subscription payable for getting prior practice reckoned (amount shown in column 5 multiplied by the multiplier shown in column 6) :
8. Fine payable @ Rs. 2000 for every completed years of actual practice as on date (i.e. Rs. 2000 x multiplier) :

9. Grant total of amount paid under :
 Section 15 (1E) for getting prior
 period of practice reckoned and
 date of payment (DD/receipt to
 be attached)

Declaration

I,.....do hereby declare that the particulars
 furnished above are true and correct and submit this option with the prescribed amount
 to get my prior period of actual practice reckon as provided in Section 15(1E) of the

Place:

Date:

(Signature of the applicant)]

¹ Inserted by Notification No.KBC/Govt.1488/2017 in the KG No.35 dated 04.09.2018.

¹[FORM NO. XII

(See rule 15)

1.Name and address of the member :

(in block letters)

2. Registered Mobile Number of the member :

3. Age and Date of birth of member :

4. Date of Enrolment and Roll Number :

5. Membership Number of Fund :

6. Details of practice :

7. Date of remittance of last subscription to the Fund :

DECLARATION

I, ...do hereby solemnly declare that the
 particulars furnished above are true and correct and I am not a defaulter of
 annual subscription to the Fund. I hereby solemnly undertake that I shall repay
 the loan amount sanctioned to me within 15 months or in lump as specified
 under the rules.

Place..... ,

Date.....

Signature of applicant.]

¹ Added by Notification No. KBC/WF/GOV/04-01/2020 in the K.G. Ext. No.1052 dated 13.04.2020.