

Twelfth Kerala Legislative Assembly

Bill No. 219

**THE KERALA ADVOCATES' CLERKS WELFARE FUND
(AMENDMENT) BILL, 2008**

[Translation in English of “2008-ലെ കേരള അഡ്വക്കേറ്റ് ക്ലർക്ക്സ് ക്ഷേമനിധി (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

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FUND (AMENDMENT) BILL, 2008

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BILL

to amend the Kerala Advocates’ Clerks Welfare Fund Act, 2003.

Preamble.— WHEREAS, it is expedient to amend the Kerala Advocates’ Clerks Welfare Fund Act, 2003 for the purposes hereinafter appearing;

Be it enacted in the Fifty-ninth Year of the Republic of India as follows:—

I. *Short title and commencement.*—(1) This Act may be called the Kerala Advocates’ Clerks Welfare Fund (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 10th day of June, 2008.

2. *Amendment of section 14.*— In the Kerala Advocates’ Clerks Welfare Fund Act, 2003 (27 of 2003) (hereinafter referred to as the principal Act), in sub-section (1) of section 14, for the words, “of the value of two rupees” the words, “of the value of six rupees” shall be substituted.

3. *Amendment of section 17.*— In the principal Act, in sub-section (5) of section 17, for the words, “two hundred rupees” the words, “four hundred rupees” shall be substituted.

4. *Repeal and saving.*— (1) The Kerala Advocates’ Clerks Welfare Fund (Amendment) Ordinance, 2008 (34 of 2008) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Government have decided to enhance the maximum amount of Welfare Fund receivable by a member, from the Kerala Advocates' Clerks Welfare Fund, from one lakh rupees to two lakhs rupees.

In order to implement the said Government decision, Government have decided to enhance the value of the Kerala Advocates' Clerks Welfare Fund stamp from two rupees to six rupees and the annual subscription amount to be paid by each member to the Welfare Fund from 200 rupees to 400 rupees by amending sections 14 and 17 of the Kerala Advocates' Clerks Welfare Fund Act, 2003.

As the Kerala Legislative Assembly was not in session and the above decision had to be given effect to immediately, the Governor of Kerala had promulgated the Kerala Advocates' Clerks Welfare Fund (Amendment) Ordinance, 2008 (20 of 2008) on the 10th day of June, 2008 and the same was published in the Kerala Gazette Extraordinary No. 1165 dated the 10th day of June, 2008.

Though a Bill to replace Ordinance No. 20 of 2008, by an Act of Kerala Legislative Assembly was published as Bill No. 196 of the 12th Kerala Legislative Assembly, the same could not be introduced in and passed by the Kerala State Legislative Assembly during the session which commenced on the 23rd day of June, 2008 and ended on the 24th day of July, 2008. Therefore in order to keep alive the provisions of the said Ordinance, the Kerala Advocates' Clerks Welfare Fund (Amendment) Ordinance, 2008 (34 of 2008) was promulgated by the Governor on the 1st day of August, 2008 and was published in the Kerala Gazette Extraordinary No. 1691 dated the 2nd August, 2008.

The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

M. VIJAYA KUMAR.

EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA
ADVOCATES' CLERKS WELFARE FUND ACT, 2003

(27 of 2003)

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14. *Kerala Advocates' Clerks Welfare Fund Stamp.*—(1) There shall be printed at the Government Press by the Committee in such form and in such manner as may be prescribed stamps of the value of two rupees inscribed as “the Kerala Advocates' Clerks Welfare Fund Stamp”.

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17. *Members of the Fund.*—(1) Every Advocates' Clerk in the State may apply to the Committee in such form and in such manner as may be prescribed for admission as a member of the Fund:

Provided that no person employed as an Advocates' Clerk after retiring from the service of the Central Government or the State Government or any Public Sector Undertaking with any retirement benefit, shall be eligible for membership to the Fund.

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(5) Every member of the Fund shall pay to the Fund an annual subscription of two hundred rupees on or before the 30th June of every year.

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