

Fourteenth Kerala Legislative Assembly

Bill No. 50

**THE KERALA ADVOCATES' WELFARE FUND
(AMENDMENT) BILL, 2017**

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further to amend the Kerala Advocates' Welfare Fund Act, 1980.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Advocates' Welfare Fund Act, 1980 for the purposes hereinafter appearing;

BE it enacted in the Sixty-eighth year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Advocates' Welfare Fund (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 10.*—In section 10 of the Kerala Advocates' Welfare Fund Act, 1980 (21 of 1980),—

(i) in sub-section (5), after the words “the Bar Council may issue such directions as it deems fit to the Trustee Committee in respect thereof” the following words shall be inserted, namely:—

“and shall cause, the accounts as certified by the auditor together with the audit report thereon, to be forwarded to the Government.”.

(ii) after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) On receipt of the accounts and audit report under sub-section (5), the Government,—

(a) may issue such directions as it deems fit to the Trustee Committee in respect thereof; and

(b) shall immediately place such accounts and audit report before the Legislative Assembly.”.

(iii) in sub-section (6), for the words, brackets and figure "the directions issued by the Bar Council under sub-section (5)" the words, brackets, figures and letter "the directions issued by the Bar Council and the Government under sub-sections (5) and (5A) respectively" shall be substituted;

(iv) after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) The Trustee Committee shall prepare its Annual Report giving a full account of its activities during the preceding financial year and the activities which are likely to be undertaken by it in the succeeding financial year and submit copies thereof to the Government on or before the 30th day of April of the succeeding year and on receipt of the same, the Government shall immediately cause such report to be laid on the Table of the Legislative Assembly."

STATEMENT OF OBJECTS AND REASONS

The Committee on Papers Laid on Table in its 10th Report has recommended to take steps for laying before the Legislative Assembly the Annual Audit Report of charitable/self governing/co-operative institutions which are getting one time grant of more than rupees 50 lakhs and recurring grants of more than rupees 25 lakhs from the Government. In view of the above recommendation of the Committee on Papers Laid on Table, Government have decided to amend section 10 of the Kerala Advocates' Welfare Fund Act, 1980 for incorporating provision for laying on the table of the Legislative Assembly, the Annual Administrative Report and Audit Report of the Kerala Advocates' Welfare Fund Trustee Committee which is an institution established as per the provisions of the Kerala Advocates' Welfare Fund Act, 1980.

The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

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

A. K. BALAN.

EXTRACT FROM THE RELEVANT PORTIONS OF THE KERALA
ADVOCATES' WELFARE FUND ACT, 1980

(ACT 21 OF 1980)

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

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

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

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

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

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

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