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കേരള സർക്കാർ
Government of Kerala
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കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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Thiruvananthapuram,
Saturday

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18th December 2021

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No. 3715

BAR COUNCIL OF KERALA

NOTIFICATION

No. KBC/GOVT/2224/2021.

Dated, Thiruvananthapuram, 18th December, 2021.

In exercise of the powers conferred by section 27 read with clause (gi) of sub-section (2) of section 9 of the Kerala Advocates' Welfare Fund Act, 1980 (21 of 1980), 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’ Stipend Rules, 2021”.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “Act” means the Kerala Advocates’ Welfare Fund Act, 1980 (21 of 1980);

(b) “Standing” means practice at the Bar;

(c) “Stipend” means the amount paid to an Advocate under clause (gi) of sub-section (2) of the section 9 of the Act;

3. *Disbursal of stipend.*—(1) The stipend shall be disbursed from the Fund.

(2) The Trustee Committee may disburse payment of stipend to the applicant every month as far as possible or at such intervals as decided by the Trustee Committee.

(3) The Trustee Committee, from time to time, with the prior approval of the Government, shall determine the amount of stipend payable to an advocate not exceeding ₹ 5000 per month.

4. *Period of stipend.*—The maximum period for which stipend shall be granted shall be three years of actual practice from the date of the Advocate passing the All India Bar Examination or up to the Advocate attaining the age of thirty years, whichever is earlier.

5. *Application and eligibility for stipend.*—(1) An applicant, who is eligible for stipend under the Act and these rules shall submit the application for stipend in Form I, along with the documents to support their eligibility subject to the following conditions, namely:—

(a) The applicant shall be a member of the Fund and is not in default of annual subscription to the Fund under sub-section (5) of section 15 of the Act;

(b) The applicant has applied for Certificate of Practice as on the date of application for stipend in Form I;

(c) The applicant’s annual income, at the time of application does not exceed rupees one lakh and the applicant shall, along with the application, submit an annual income certificate issued by the competent Revenue/Tax Authority, certifying that the annual income of the



applicant are less than Rupees one lakh, during the financial year immediately preceding the date of making application for stipend;

(d) The applicant has not exceeded the age of thirty years and the applicant shall, along with the application, submit a copy of the birth certificate of the applicant;

(e) The applicant is neither substantially or full time pursuing any course of study nor earning substantial income from any source other than from the legal profession or part time teaching in law;

(f) The applicant, along with the application, shall submit, a certificate issued in Form II by the presiding officer of the Court or Tribunal where the applicant is practicing certifying that the applicant is in actual practice at the time of making the application for stipend along with a certificate issued by the President or Secretary of the Bar Association of which the applicant is a member in Form III showing that the applicant is in less than three years actual practice at the Bar at the time of making the application for stipend;

(g) An application for stipend shall be forwarded through and recommended by the Bar Association, of which the applicant is a member;

(h) An applicant, for the eligibility under these rules shall submit a sworn declaration in Form IV as to the correctness of the particulars furnished in the application in Form I and to the effect that the applicant shall assist the Legal Services Committee constituted under the Legal Services Authorities Act, 1987, (Central Act 39 of 1987), which is attached to the Court in which the applicant is in actual practice and shall attend whatever number of cases are allotted to and also undertake to attend, in a year at least two courses of the Refresher Courses, Seminars, Continuing Legal Education Programmes, Professional Development Courses or Workshops conducted by the Bar Council of Kerala.

6. *Mode of Payment.*—The stipend shall be paid into the bank account of the applicant, as per the account details, furnished in the application.

7. *Grant, Renewal or Cancellation of stipend.*—(a) No applicant shall be entitled for stipend as of right, but will be subject to the satisfaction of the Trustee Committee as to the applicant's eligibility and continuation of actual practice;



(b) The applicant shall, declare in Form V that in the event of the applicant furnishing false information in the Forms under these rules or creating false document, be liable for criminal prosecution and suo-moto disciplinary proceedings for professional misconduct under the Advocates Act, 1961(Central Act 25 of 1961) and on grant of stipend, execute a bond in non-judicial stamp paper of value of Rupees two hundred in Form V undertaking that in the event of the applicant furnishing false information in the Forms under these rules or creating false document, the applicant shall refund the amount received as stipend till then with 12% interest per annum to the Fund;

(c) In the event of the President/Secretary of the Bar Association or the Advocate under whom the applicant practices, falsely certifies that the applicant is in actual practice as defined in these rules, the person issuing such false certificate shall be liable for criminal prosecution and suo-moto disciplinary proceedings for professional misconduct under the Advocates Act, 1961 (Central Act 25 of 1961);

(d) If the Trustee Committee, on enquiry, find that the applicant has received the stipend on the basis of false information, The Trustee Committee shall recover to the Fund the amount of stipend, received by the applicant, with 12% interest from the date of disbursement to the date of such recovery and also initiate criminal prosecution against the applicant and recommend to the Bar Council of Kerala to initiate suo-moto disciplinary action against the applicant for professional misconduct under the Advocates Act, 1961 (Central Act 25 of 1961);

(e) If the applicant fails to refund the amount of stipend with interest to the Fund in the event of being liable to do so under these rules, the provisions of the Kerala Revenue Recovery Act, 1968 (15 of 1968) shall apply to the defaulted amount and the Secretary of the Trustee Committee shall send a requisition to District Collector, Ernakulam to recover such amount to the Fund with interest and other charges, by invoking the provisions of the Kerala Revenue Recovery Act, 1968 (15 of 1968).

(Sd.)
Chairman,
Bar Council of Kerala.



FORM I
[See Rule 5(a)]

APPLICATION FOR STIPEND TO ADVOCATES

1	Name of the Applicant In Capital letters—as in Enrolment Certificate	
2	Address with PIN Code, Phone Number and email ID	
3	Office Address	
4	Enrolment Number and Date of Enrolment (with copy of Enrolment Certificate)	
5	Date of commencement of actual practice	
6	Age and Date of Birth (with copy of birth Certificate)	
7	Place of Practice	
8	Name of Bar Association (in which applicant is a member)	
9	Name and address of the Advocate with whom the applicant is actually practicing	
10	Annual income of the applicant (with certificate from the revenue/tax authorities)	
11	Details of passing of All India Bar Examination conducted by the Bar Council of India	
12	If the applicant is a member of the Kerala Advocate's Welfare Fund, furnish the details	
13	If the applicant has applied for Certificate of Practice, furnish details	
14	If the applicant is earning income from any source other than legal profession or part time teaching in law, furnish details of such income and source	
15	If the applicant is engaged in any profession other than legal profession or any other occupation or business or any course of study, furnish details	



16	Details of cases handled till date of application. (To be certified by the advocate under whom the applicant is practicing, if the applicant does not have Vakalath in the cases) – if necessary attach separate sheet.	
17	If the applicant is receiving any financial assistance or stipend from any Government source, furnish details.	
18	Details of Bank Account of the applicant SB Account Number Name of Bank with Branch IFSC Code	

Recommended by

President/Secretary of the Bar Association

Document to be produced along with the application:

- (1) FORM II, Form III, and Form IV Certificates.
- (2) Declaration of the applicant in Form IV.
- (3) Bond executed by the applicant in two hundred rupees stamp paper in Form V.
- (4) Attested copy of enrolment certificate of the applicant.
- (5) Attested copy of the Birth certificate of the applicant.
- (6) Attested copy of the relevant document showing the applicant passing of All India Bar Examination conducted by the Bar Council of India.
- (7) Income Certificate from revenue/tax authority.



FORM II
[See Rule 5(f)]

Certificate to be issued by Presiding Officer of the Court/Tribunal before which the applicant is practicing.

This is to certify that

Enrolment No..... is personally known to me as an Advocate who is regularly appearing before the of which I am the Presiding Officer and he is in regular practice before this Forum and is eligible to be considered for grant of stipend under the Kerala Advocates' Stipend Rules, 2021.

...../...../.....

.....

Presiding Officer.

.....



FORM III

[See Rule 5(g)]

**CERTIFICATE TO BE ISSUED BY BAR ASSOCIATION OF WHICH THE
ADVOCATE IS A MEMBER**

This is to certify thatEnrolment No. is our
member ofBar Association with membership number
..... and he is personally known to us and on due enquiry, we know that he is regularly
practicing before the Courts/Tribunals in this station and is eligible to be considered for grant of
stipend under the Kerala Advocates Stipend Rules, 2021.

.../.../.....

.....

.....President

.....Secretary



FORM IV

[See Rule 5(h) and 7(b)]

DECLARATION

I,, S/o. D/o....., aged..... do hereby solemnly affirm and declare that all the particulars and information furnished by me in the Forms under these Rules and all document and records submitted by me along with Form I are true and correct, that I am in actual practice, that I am not substantially or full time engaged in any profession other than legal profession or business or a course of study, that I am not having annual income exceeding ₹ 1,00,000 (Rupees one lakh only) at the time of submission of Form I application, that I am not earning substantial income from any source other than from legal profession or part-time teaching in law, that in case I require renewal of grant of stipend on every three months, I shall submit the certificates required under sub-rule (h) of rule 5 every three months that on receipt of stipend, I undertake to be in actual practice at the Bar for a period of 10 years from the date of passing the All India Bar Examination conducted by the Bar Council of India and in default of which, I will repay the entire amount received by me as stipend under these Rules to the Fund within two years from the date of leaving the Advocate's profession failing which the defaulted amount would carry 12% annual interest, that in the event of any false information being furnished by me in the forms under these rules, I shall refund the amount received as stipend with 12% interest per annum to the Fund and be liable for criminal prosecution and suo-moto disciplinary proceeding for professional misconduct under the Advocates Act, 1961(Central Act 25 of 1961) and that I shall assist the High Court/Taluk Legal Services Committee constituted under the Legal services Authorities Act, 1987 (Central Act 39 of 1987) and; shall attend whatever number



of cases are allotted to me by the concerned Legal Services Committee and that I shall attend, in a year at least two of the Refresher courses, Seminars, Continuing Legal Education Programmes, Professional Development Courses or Workshops conducted by the Bar Council of Kerala during the period of my stipend; and I do hereby solemnly affirm and declare that the particulars and facts furnished above by me are true and correct.

Date :

Place :

Name and Signature of the Applicant

Signed in the presence of:

President /Secretary of the Bar Association



FORM V

[See Rule 7(b)]

(To be executed on non-judicial stamp paper of value of ₹ 200)

BOND

This BOND is made on this theday of(month)(year) by
.....S/o. D/o..... aged.....

WHEREAS the Kerala Advocates Welfare Fund Trustee Committee (herein after the 'Trustee Committee' which expression shall mean and include their respective heirs, executors, administrators or assigns) has advanced to me amounts as monthly stipend on conditions stipulated in the Kerala Advocates' Stipend Rules, 2021.

AND WHEREAS I have received the said amounts on such conditions and on submitting declaration agreeing to the said conditions.

AND WHEREAS in the event of me furnishing false information in Form I or Form II have agreed to pay to the Fund the amount received by me with 12% interest per annum.

AND WHEREAS after receiving any stipend under the Kerala Advocates' Stipend Rules, 2021 in the event of me leaving the advocate's profession within 10 years from the date of passing the All India Bar Examination conducted by the Bar Council of India. I have agreed to refund the amount received as stipend within two years from the date of leaving the advocates' profession failing which I have agreed to pay 12% annual interest on the defaulted amount in addition to the defaulted amount.

NOW, BY THIS BOND, I hereby and hereunder hold and firmly bind myself and my heirs, executors, administrators, and assigns to pay to the "Fund" under section 3 of the Kerala Advocates' Welfare Fund Act, 1980 (Act 21 of 1980) (hereinafter referred to as the "Fund") the amounts received by me as stipend under the Kerala Advocates' Stipend Rules, 2021 with 12% interest per annum in the event of the Trustee Committee finding that I have furnished any false information or particulars in the Forms under the Kerala Advocates' Stipend Rules, 2021 and I hereby hold and firmly bind myself and my heirs, executors, administrators and assigns to pay to



the Fund the amounts received by me as stipend under the Kerala Advocates Stipend Rules, 2021, within two years of me leaving Advocate's Profession, in the event of me leaving the Advocates' profession within 10 years from the date of me passing the All India Bar Examination conducted by the Bar Council of India and in default of paying such amount within the said two years, to pay 12% interest per annum on the said defaulted amount in addition to the defaulted amount to the Fund till recovery of the defaulted amount to the Fund by the Trustee Committee.

Signed, sealed and delivered

(Executor of the Bond)

In the presence of :

1.

2.

