

KERALA HIGH COURT ADVOCATE'S ASSOCIATION
Amendment to Rules and Regulations, 1971

Rule	Existing clause	Proposed Amendment
3	Definitions : In these Rules :	Definitions
	(a) "Association" means the Kerala High Court Advocates' Association; (b) "Advocate" means an Advocate entered on the rolls maintained by any Bar Council in India; (c) "High Court" means the High Court of Kerala; (d) "Executive Committee" means the Governing Body on whom the management of the Association vests; (e) 'Disciplinary Committee' means a committee having a one year term consisting of five members elected by the General Body ⁴[which shall be compulsorily done] at the beginning of the year.	(e) "Disciplinary Committee" means a committee having a term of one year and consisting of five members elected by the General Body. Such election shall compulsorily be held at the beginning of each year. The Chairman of the Disciplinary Committee shall be a designated Senior Advocate having more than twenty-five years of standing at the Bar. (f) "Misconduct" means any act or omission by a member of the Association that is detrimental to the interests, objects, reputation, discipline, proper administration, or functioning of the Association. It includes, but is not limited to, any conduct which the Disciplinary Committee or the competent authority, after due enquiry and for reasons recorded in writing, determines to be seriously prejudicial to the interests or objects of the Association. (g) "Benevolent Fund" means a fund augmented and maintained by the Kerala High Court Advocates' Association for the welfare and benefit of its members, to assist a member in overcoming a health contingency; to assist a member who suffers permanent disability due to physical suffering, accident, illness, or injury, thereby making him or her incapable of practising; and/or to support the dependants of a deceased member.

NOTE:

- *Rule 3(e) is deleted and substituted as above. The definition of "Misconduct" is added as Rule 3(f), and the definition of "Benevolent Fund" is added as Rule 3(g).*
- *Since Rule 13A(e) prescribes a minimum standing of twenty-five years at the Bar for an Enquiry Officer, it is appropriate that the Chairman of the Disciplinary Committee should also have more than twenty-five years of standing at the Bar.*

Rule	Existing clause	Proposed Amendment
4	Membership:-	Definitions
	The Association shall consist of the following classes of members, (a) Honorary Members, being persons of eminent position and attainment in the legal profession and jurist of repute invited by the Executive Committee on the recommendation of the General Body to become Honorary Members of the Association. (b) Life Members, being advocates who pay a Life Membership fee of ⁵[Rs.5000/-] to the Association provided that the existing Life Members shall continue as Life Members. (c) Ordinary Members, being advocates practicing ordinarily in the High Court of Kerala who are admitted as members.	(b) Life Members Life Members shall be Advocates who pay a Life Membership fee of Rs. 15,000/- to the Association. Provided that the existing Life Members shall continue as Life Members. The Life Membership fee may be revised periodically by the Executive Committee, subject to the approval of the General Body. (c) Ordinary Members Ordinary Members shall be Advocates ordinarily practising before the High Court of Kerala who have filed a minimum of seven vakalathnamas before the High Court of Kerala. For the annual renewal of Ordinary Membership, a member shall have filed at least five vakalathnamas before the High Court of Kerala during the year immediately preceding the application for renewal. Every application for Ordinary Membership shall be accompanied by a testimonial signed by two Life Members of the Association.

NOTE:

- ***Rule 4(b) may be deleted and substituted as follows: "Advocates satisfying the eligibility requirements prescribed under Rule 5A shall be entitled to become Life Members upon payment of Rs. 15,000/- to the Association."***
- ***Rule 4(c) may be deleted and substituted as follows: "An Advocate practising before the High Court of Kerala who has filed a minimum of seven vakalathnamas before the High Court shall be entitled to be enrolled as an Ordinary Member. For renewal of membership in each succeeding year, such Advocate shall have filed at least five vakalathnamas during that year."***

Rule	<i>Existing clause</i>	Proposed Amendment
5A	Eligibility for Life Membership Eligibility to be a Life Member; An advocate to be a life member of the association should have completed 5 years of continuous ordinary membership in the Association and shall also pay the membership fee as prescribed in Rule 4b.	An Advocate shall be eligible to become a Life Member of the Association only after completing five years of continuous Ordinary Membership in the Association and upon payment of the membership fee prescribed under Rule 4(b).
		5B Continuance and Benefits of Life Membership
		A Life Member, other than a designated Senior Advocate, shall continue as a Life Member and enjoy all the benefits of membership. However, to exercise the right to vote and participate in elections, such Life Member shall hold a valid Certificate of Practice issued by the concerned Bar Council. Every Life Member shall also pay an additional amount of Rs.100/- per month or Rs.1,200/- per year, or a one-time contribution of not less than Rs.25,000/- towards the Benevolent Fund. From the fund so accumulated, the Kerala High Court Advocates' Association shall pay a lump-sum amount or such financial assistance as may be determined from time to time to the nominee or legal heirs of a deceased member, or to a member who suffers permanent disability due to physical suffering, accident, illness, or injury, thereby making him or her incapable of practising as an Advocate.

NOTE:

- *Since the KHCAA is an Advocates' Association attached to the High Court of Kerala, appropriate conditions may be imposed to regulate membership so that the Association remains primarily available to Advocates who ordinarily and regularly practise before the High Court of Kerala.*
- *Rule 5B is amended. By introducing this proviso, the voting rights of members who have ceased to practise may be effectively regulated.*

Rule	Existing clause	Proposed Amendment
6	Fees and Subscriptions	
	All ordinary members shall pay an admission fee of Rs. 1000 and a monthly subscription of Rs. 60/- and a sum of Rs.200/- to the relief fund and a further sum of Rs. 200/- to the library fund w.e.f 01.04.2024	All Ordinary Members shall pay an admission fee of Rs. 1,000/-, a monthly subscription of Rs. 100/-, a sum of Rs. 200/- to the Relief Fund, and a further sum of Rs. 200/- to the Library Fund. (a) Differently abled Advocates having a benchmark disability, as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016, shall be eligible for a concession in the payment of the admission fee. The extent of such concession shall be decided by the Executive Committee, with the approval of the General Body, from time to time. (b) Members of the Association who had suspended their practice and consequently ceased to be members shall be entitled to revive their membership with the approval of the Executive Committee, subject to ratification by the General Body. Such revival of membership shall also be subject to the requirements of Rule 7.
6A	All the Advocates who apply for membership in the Association on or after July 1 st 2024, shall join in the medical aid scheme, at the time of taking the membership by paying Rs.1000 as the entry fee and Rs.500 as the annual premium. For becoming a member of KHCAA, the joining in the medical aid scheme by paying the joining fees, is mandatory, as per clause 6 and 6A.	Shall be deleted.

NOTE:

- *Rule 6 may be altered to provide that, out of the monthly subscription fee of Rs. 100/-, Rs. 40/- shall be credited to the Benevolent Fund defined under Rule 3(g). Rules 6(a) and 6(b) are incorporated.*
- *Rule 6A is to be deleted because it is unworkable and imposes an excessive financial burden on the Association. It is also discriminatory insofar as it creates two classes of members. In view of the Health Scheme of the Association, there is no need to continue Rule 6A.*

Rule	<i>Existing clause</i>	Proposed Amendment
7	Notwithstanding the provisions contained in Rule 6 Advocates who apply for membership in the Association after the attainment of the age of fifty years shall pay an amount of Rs.20,000/- as admission fee in addition to the amounts prescribed under Rules 4(b) and 6. [Provided that if an applicant who is an advocate practicing in any other court in India, having a practice of not less than 15 years and is a member of such Bar Association, irrespective of his age, will be liable to pay only the fee prescribed in Rule 4 Clause B & C and Rule 6 on production of documentary proof of such eligibility along with a no dues certificate from such Bar Association.]	Proviso Provided that any reduction in the prescribed amount of Rs. 20,000/- shall be granted only if the applicant proves that he or she was not gainfully employed or otherwise engaged in any manner before applying for new membership or for revival of an earlier membership.
		Arrears and Readmission
8	Any ordinary member in arrears of monthly subscription continuously for a period of one year shall cease to be a member of the Association: Provided that such member may be readmitted as a member on payment of the entire arrears within one year and Rs.200/- as re-admission fee. Provided further that those seeking re-admission after one year shall pay such further sum as may be decided by the Executive Committee.	Any Ordinary Member who remains in arrears of the monthly subscription continuously for a period of one year shall cease to be a member of the Association. Provided that such member may be readmitted upon payment of the entire arrears within one year, together with a readmission fee of Rs. 200/-. Provided further that a person seeking readmission after one year shall pay such further sum as may be decided by the Executive Committee.

Rule	Existing clause	Proposed Amendment
10	Executive Committee	
	The Management of the Association shall vest in Executive Committee consisting 1). The President, (2) Two Vice Presidents of whom one shall be a lady, (3) The Secretary (4) The Treasurer and (5) Seven members of whom one shall be a lady and one shall be a designated Senior Advocate. (aa) The candidate for President ship shall have been a member of the Association at least for a period of 10 years and should have a standing in the Bar of at least 15 years. The candidate for Vice Presidentship shall been a member of the Association at least for a period of 7 years and should have a standing in the Bar of at least 10 years. The candidate for secretaryship shall have been a member of the Association at least for a period of 5 years and should have a standing in the Bar of at least 7 years. The candidate for Treasurership shall have been a member of the Association at least for a period of 5 years and should have a standing in the Bar of at least 7 years. (b)The President shall nominate a joint Secretary from among the members of the Executive Committee.	(a) The management of the Association shall vest in an elected Executive Committee consisting of the following fifteen (15) office bearers and members: 1) The President,(2) Two Vice Presidents, (3) The Secretary, (4) The Treasurer, (5) Eleven (11) members, of whom one shall be a designated Senior Advocate nominated to the Executive Committee. Of the ten elected Executive Committee members, four seats shall be reserved for women. (aa) A candidate for the post of President shall have been a member of the Association for at least fifteen years and shall also have a standing of at least twenty years at the Bar. A candidate for the post of Secretary or Vice President shall have been a member of the Association for at least ten years and shall also have a standing of at least twelve years at the Bar. (ab) A candidate for the post of Secretary and a candidate for the post of Treasurer shall each have prior experience of serving in any post on the Executive Committee. (b) The President shall nominate two Joint Secretaries from among the elected members of the Executive Committee, of whom one shall be a woman.

NOTE:

- ***Rule 10(a) is amended by increasing the number of Executive Committee members referred to therein to eleven, of whom one shall be a designated Senior Advocate nominated to the Executive Committee. In accordance with the order of the Supreme Court in SLP No. 1404/2025 at least thirty per cent of the Committee shall be women.***
- ***Rule 10(aa) may be amended by increasing the prescribed membership period from ten years to fifteen years and the prescribed standing at the Bar from fifteen years to twenty years.***
- ***Restricting the number of terms for which a member may hold the office of President, Vice President, Secretary, or Treasurer will provide opportunities for more members to participate in the administration of the Association and will prevent power from remaining vested in any one person for a prolonged period.***

Rule	<i>Existing clause</i>	Proposed Amendment
		11 A Restriction on Terms of Office Bearers
		A member shall be eligible to contest for and hold any of the offices of President, Vice President, Secretary, or Treasurer for a maximum of two (2) consecutive terms.
13		Restriction on Terms of Office Bearers
	The Executive Committee shall have the following powers: i. to hold, control and administer the properties of the Associations; ii. to invest all moneys belonging to the Association; iii. to purchase books for the library and to subscribe for newspapers and periodicals and publish journals or Magazine; iv. to appoint the employees of the Association, to fix their salary and to suspend, dismiss or remove them from employment; v. to accept endowments, bequest and donations to the Association; vi. to appoint sub committees and special committees for specific purpose; vii. to prepare the Annual Report to be presented to the Annual Meeting and to prepare Budget Estimates for the current year; - viii to pass bye-laws not inconsistent with these rules; - ix to conduct meetings, seminars and symposiums and to arrange lectures; - x to constitute funds for the welfare of the members; - xi to open a branch of the Association if necessary and circumstances warrant; - xii to do all such matters conducive for the achievement of the objects; - xiii ¹⁷[Notwithstanding anything contained in the foregoing provisions, no single work or programme, the expenditure of which exceeds Rs.50,000/- shall be conducted by the committee without the prior approval of the General Body.]	Clauses I to XIII shall remain the same as in the existing Bye-laws. XIV. The Executive Committee shall, with the approval of the General Body, constitute a Mental Health Support Committee for the benefit of the members of the Association. The Committee shall consist of one Executive Committee member as its Convenor, nominated by the President, and not fewer than three members of the Association nominated to the Committee. One mental health professional may be invited to serve on the Committee, wherever available. The Mental Health Support Committee shall function as a mental health and emotional support system for members of the Association. The Committee shall at all times function under the guidance of the Executive Committee

Rule	<i>Existing clause</i>	Proposed Amendment
13 A		Disciplinary Proceedings
	To exercise disciplinary powers in respect of the members of the Association subject to the following rules:- a) The Executive committee of the Association shall have the power to initiate disciplinary proceedings against a member either <i>suo moto</i> or on receipt of a complaint of a conduct which is unbecoming of a member of the Association or involving moral turpitude or allegations of a grave nature or any acts against the interest of the Association. The Executive Committee of the Association shall have the power to suspend a member from his membership on being satisfied of the prima facie sustainability of the Allegations on recording the reasons for the suspension.	Disciplinary action may be taken against a member of the Association subject to the following provisions: (a) The Executive Committee of the Association shall have the power to initiate disciplinary proceedings against a member, either suo motu or upon receipt of a complaint alleging misconduct, an act of a grave nature, an act involving moral turpitude, or any act prejudicial to the interests of the Association. The Executive Committee shall have the power to suspend a member upon being satisfied, prima facie, as to the tenability of the complaint or allegation and after recording the reasons for such suspension. Any such suspension shall remain in force pending enquiry and shall be imposed only after giving due and sufficient show-cause notice to the member.

Rule	<i>Existing clause</i>	Proposed Amendment
38		Auditor's Report
	(c) The report of the auditor shall be placed before the Annual General Meeting of the Association along with the Annual Statement of the Accounts.	(b) The Auditor's Report shall be placed before the Annual General Meeting of the Association along with the Annual Statement of Accounts. A copy of the Annual Statement of Accounts shall be circulated at least three days before the Annual General Meeting by publication on the Notice Board.
		48 B Power to Make Special Rules Bye-laws and Regulations
		The General Body of the Association shall have the power to make Special Rules, Bye-laws, and Regulations for the effective management of the affairs of the Kerala High Court Advocates' Association, as and when required.
		48C Corporate Social Responsibility Committee
		The Association shall be eligible to accept Corporate Social Responsibility (CSR) funds from any corporate entity in India. In January of every year, the Executive Committee of the Association shall constitute a separate Corporate Social Responsibility Committee consisting of seven (7) members. The President, the Secretary, and the Treasurer of the Association shall be ex officio members. The remaining four members shall be selected and nominated by the Executive Committee, and two of them shall be designated Senior Advocates. It shall be the duty of the CSR Committee to formulate and submit CSR project proposals, undertake the necessary steps to obtain CSR funds, and execute CSR projects for the common welfare of the members of the Association and deserving members of society. All CSR funds shall be accounted for separately through a designated bank account, which shall be operated responsibly and in accordance with all applicable legal requirements