

Memorandum of Association & Rules And Regulations

(Updated up to 15Th May, 2008)



**Memorandum
of Association
&
Rules And Regulations**

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Reg.No. S/24659

NATIONAL JUDICIAL ACADEMY

Registered Office :

Supreme Court of India

Tilak Marg, New Delhi - 110 001

Campus :

Bhadbhada Road, Suraj Nagar, Bhopal 462044

**NATIONAL JUDICIAL ACADEMY
MEMORANDUM OF ASSOCIATION**

1. NAME

The name of the society is the National Judicial Academy.

2. REGISTERED OFFICE:

The office of the Society shall remain in the National Capital Territory of Delhi and at present it is at the following address:

Room No-7, 1st floor, Western Wing,
Supreme Court of India,
Tilak Marg, New Delhi - 110 001.

3. OBJECTS:

The aims and objects for which the society is formed are: -

- (i) to provide training to the Judicial Officers of the States/Union Territories;
- (ii) to provide facilities for training of the ministerial officers working in the Supreme Court of India .
- (iii) to study the Court Management and Administration of Justice in the States/ Union Territories and to suggest improvements to the said system.
- (iv) to prescribe rules and regulations for the management and administration of the Society;
- (v) to undertake, organize and facilitate study courses, conferences, seminars and lectures and research in matters relating to Court Management and Administration of Justice;
- (vi) to establish the Society as a centre of excellence in Court Management;
- (vii) to provide and disseminate information and literature relating to judicial administration;
- (viii) to conduct or sponsor training programmes for judicial officers and court administrators dealing with aspects of court and case flow management and court technology (computers);
- (ix) to provide continuing judicial education to judicial officers of the States/ Union Territories;
- (x) to assist and promote education and skills programmes aimed at to promote the highest standard of professional competence and practice;
- (xi) to establish Regional Centres at convenient locations in India to promote the objects of the Society;

- (xii) to established liaison with research institutions, universities and other bodies for the purpose of helping the cause of administration of Justice;
 - (xiii) to enhance the capabilities of the existing training institutions for Judicial Officers of the States/Union Territories, to improve their quality of training;
 - (xiv) to assist, interact and collaborate in promoting study of court management with other institutions and bodies, both within the country and abroad;
 - (xv) to undertake publication of papers, books, monographs, journal etc. in Court Management and Administration of Justice;
 - (xvi) to publish and disseminate information relating to results of research and other training courses/programmes;
 - (xvii) to award certificates and other distinctions to Judicial Officers trained and to prescribe standards of proficiency before awarding of such certificates and other distinctions;
 - (xviii) to establish procedures for smooth functioning of the Society and carry out activities in matters relating to personnel, finances, administration, purchases and management of hostels etc.;
 - (xix) to do all such other lawful acts and things as are conducive or incidental to the attainment of the objectives of the Society.
4. Without prejudice to the generality of the above and for the effective carrying out of the above objects, the Society shall have the power to acquire, receive and hold property of any kind including securities and negotiable instruments, to construct and maintain buildings, including the right to alter them suitably, to manage, sell, transfer or otherwise dispose of or deal with property of any kind belonging to the Society, to enter into Contracts for and in connection with any of the purposes of the Society, to raise money and funds, in such manner as may be deemed fit, for and on behalf of the Society, to establish a Provident fund for the benefit of the employees of the Society if and when considered necessary, and to accept the management of any trust, fund or endowment which the Society may be entrusted.
5. All the incomes, earnings, moveable, immovable properties of the Society shall be solely utilized and applied towards the promotion of its aims and objects only as set forth in the Memorandum of Association and no profit thereof shall be paid or transferred directly or indirectly by way of dividends, bonus, profits or in any manner whatsoever to the present or past Members of the Society or to the past members. No member of the Society shall have any personal claim on any moveable or immovable properties of the Society or make any profits, whatsoever, by virtue of his membership.

6. GOVERNING BODY

The names, addresses, occupations and designations of the present members of the Governing Council to whom the management of the Society is entrusted as required under Section 2 of the Societies Registration Act, 1860, as applicable to the National Capital Territory of Delhi are as follows:

Sl. No.	Name in full address	Occupation	Designation
1.	Hon'ble Shri Justice M.N.Venkatachaliah,	Chief Justice of India.	
2.	Hon'ble Shri Justice S.Ratnavel Pandian,	Judge, Supreme Court of India.	
3.	Hon'ble Shri Justice S.C.Agrawal,	Judge, Supreme Court of India.	
4.	Shri N.N. Vohra,	Secretary to the Government of India,	Department of Justice.
5.	Dr. P.C. Rao,	Secretary to the Government of India,	Department of Legal Affairs.
6.	Shri K. Venkatesan,	Secretary to the Government of India,	Department of Expenditure.
7.	Shri M.S.A. Siddiqui,	Registrar General, Supreme Court of India,	New Delhi.

7. DESIROUS PERSONS:

We, the undersigned, are desirous of forming a Society, namely, 'National Judicial Academy' under the Societies Registration Act, 1860, as applicable to the National Capital Territory of Delhi in pursuance of this Memorandum of Association of the Society.

Sl. No.	Name & Address Occupation	Signature Attestation
1.	M.N.Venkatachaliah No. 5 Krishna Menon Marg, New Delhi	Chief Justice of India.
2.	S. Ratnavel Pandian No. 10, Tees January Marg, New Delhi	Judge, Supreme Court of India.
3.	S.C. Agrawal, No. 17, Safdarjang Road, New Delhi.	Judge, Supreme Court of India.
4.	N.N.Vohra	Secretary Home & Justice, Government of India.
5.	P. Chandrashekhara Rao	Secretary, Department of Legal Affairs, Government of India.
6.	K. Venkatesan	Secretary, Department of Expenditure, Finance Ministry.
7.	M.S.A. Siddiqui C/4, Pandara Park, New Delhi.	Registrar General, Supreme Court of India.

Signatures of persons mentioned at Nos. 1 to 7 above attested

Sd/-

A.P. Jain

Joint Registrar

Supreme Court of India

NATIONAL JUDICIAL ACADEMY
RULES AND REGULATIONS

1. SHORT TITLE:

- (a) These Rules and Regulations may be called 'Rules of the National Judicial Academy';
- (b) They shall come into force from the date of Registration of the Society under the Societies Registration Act, 1860.

2. DEFINITIONS:

In these Rules unless the context otherwise requires : -

- (a) Society means the National Judicial Academy.
- (b) Governing Council means the Governing Council of the Society.
- (c) General Body means the General Body of the members of the Society.
- (d) Chairperson means the Chairperson of the Society and of the Governing Council.
- (e) Director means the person appointed as the Director of the Society.
- (f) Member means the member of the Society admitted as such under these Rules and whose name appears in the register of Members.
- (g) Academic Staff means the employees of the Society engaged in education, training or research.
- (h) Rules means the Rules of the National Judicial Academy as may be amended from time to time by the Society.
- (i) Memorandum means the Memorandum of Association as registered under Registration of Societies Act, 1860, and as may be amended from time to time by the Society.
- (j) Official Year means the financial year, i.e., 1st April to 31st March.

3. MEMBERS OF THE SOCIETY:

The membership of the Society shall be confined to:

- (i) the Chief Justice of India (ex officio Chairperson);
- (ii) two puisne Judges of the Supreme Court of India;
- (iii) Chief Justice of a High Court;
- (iv) one Judge of another High Court;
- (v) two Law Academics; and the following ex officio members;

- (v-a) **Minister for Law, Government of India.*
- (v-b) **Chairman, Bar Council of India.*
- (vi) Secretary to the Government of India, Department of Justice.
- (vii) Secretary to the Government of India, Department of Legal Affairs.
- (viii) Secretary to the Government of India, Department of Personnel and Training,
- (ix) Secretary to the Government of India, Department of Expenditure,
- (x) ***Secretary-General, Supreme Court of India.*
- (xi) ***Director, National Judicial Academy, Ex officio Member Secretary of the Society.*
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* Amended vide General Body Resolution dated 8th May, 2002.

**Amended vide General Body Resolution dated 12th May, 2007.

4. TERMS OF MEMBERSHIP:

- (a) The Members, other than ex officio members, of the Society shall be nominated by the Chairman of the Society and they shall continue in office for three years or their respective tenure of office whichever is less.
- (b) If a casual vacancy arises during the three year period, such a vacancy shall be filled up in a like manner as the original vacancy and the admitted members shall hold office for the unexpired portion of that term.

5. TERMINATION OF EX OFFICIO MEMBERSHIP:

Where a person becomes a member of the Society by virtue of the office or appointment which he holds, his membership of the Society shall terminate when he ceases to hold that office or appointment.

6. RESIGNATION:

When a member desires to resign from the membership of the Society, he shall forward the letter of resignation to the ^{Chairperson}. The resignation shall take effect only from the date of its acceptance by the ^{Chairperson}.

7. REGISTER OF MEMBERS:

The society shall maintain a Register of Membership indicating their names in full, address and occupation and every member shall sign the same. If any member of the Society changes his address, he shall notify his new address to the Director who shall thereupon change his address in the Register of Members.

8. GENERAL BODY:

- (i) There shall be a General Body composed of the members of the Society.
- (ii) Powers, Duties and functions of the General Body :-
 - (a) the financial authority of the Society shall vest in the General Body.
 - (b) the rights and privileges of the General Body shall be:
 - i. to adopt Rules & Regulations of the Society and amend it from time to time;
 - ii. to pass the accounts and to consider the Auditor's Report and Annual Report at the Annual General Body Meeting;
 - iii. to approve programme of activities of the Society for the ensuing years;
 - iv. to consider and decide about the winding up of the Society and disposal of its assets and liabilities in accordance with the provision of the Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi.

9. *The Annual General Body Meeting of the Society shall be held on such date, time and place as may be determined by the Chairperson . The first Annual General Body Meeting shall be held within 15 months of registration of the Society and thereafter subsequent Annual General Body Meetings will be held at such intervals but not later than four months of closure of the financial year (s) to consider (i) the annual and supplementary Budget for current year; (ii) the annual report and accounts and balance sheet of the Society for the previous year; (iii) Auditor's report for the year under review ; and (iv) any other subject with the permission of the Chair.

10. PROCEDURE FOR CALLING OF MEETINGS:

- (a) All meetings of the General Body including Annual General Meeting shall be convened by 15 days' notice in writing issued under the hand of the Director.
- (b) Every notice of meeting of the General Body shall state the date, time and place of the meeting and shall contain a summary of the agenda of business to be transacted thereat. The notice shall be delivered or sent by post to every member of the Society not less than 15 days prior to the date of the meeting. Any inadvertent omission to give notice or non-receipt or late receipt of the notice by any member shall not invalidate the meetings.
- (c) Two-third of the total members of the Society shall constitute the quorum of a meeting of the General Body.

Provided that if a meeting is adjourned for want of quorum, the Members present at the subsequent meeting to consider the same agenda shall constitute the quorum.

11. SPECIAL INVITEES:

The Chairman may invite any person, other than the member to attend a meeting of the General Body. Such an invitee shall not, however, be entitled to cast his vote at the meeting.

12. DECISION BY MAJORITY VOTES:

- (a) In case of difference of opinion on any point of agenda, the same shall be decided by majority votes of the members present at the meeting.
- (b) Each member shall have one vote.
- (c) In case of equality of votes, the Chairperson of the meeting shall have a casting vote.

* Amended vide General Body Resolution dated 15th May, 2008.

13. POWERS OF THE CHAIRMAN TO CONSTITUTE COMMITTEES & SUBCOMMITTEES:

With a view to provide for better attainment of the aims and objects of the Society, the Chairperson shall have powers to constitute Committees which shall monitor and advise the Chairperson on the matters referred to them. The report and recommendation of the said Committee, if any, shall be submitted to the Governing Council for consideration.

14. SPECIAL MEETING:

The Chairperson may convene a meeting of the General Body after due notice and/or on the written notice by not less than two-third of the members of the General Body to consider matters of special nature. The members desirous of calling a meeting shall intimate in writing to the Director requesting him to convene a special meeting to consider matters of special nature and the Director with the approval of the Chairperson shall convene such a meeting and issue notice to the members of such a meeting.

15. GOVERNING COUNCIL:

The administration, management and control of the Society shall be vested in the Governing Council which will consist of the following:

- (i) Chief Justice of India - (Chairperson)
- (ii) Member Judges of Supreme Court of India - Members
- (iii) Secretary to the Government of India, Department of Justice, Ministry of Law, Justice & Company Affairs - Member
- (iv) Secretary to the Government of India, Department of Legal Affairs, Ministry of Law, Justice & Company Affairs - Member
- (v) Secretary to the Government of India, Department of Expenditure, Ministry of Finance - Member
- (vi) *Secretary General of the Supreme Court of India. - Member
- (vii)*Director, National Judicial Academy - Member Convener

*Amended vide General Body Resolution dated 12th May, 2007.

16. POWERS AND FUNCTIONS OF THE GOVERNING COUNCIL:

- (a) The Governing Council shall be responsible for the management and administration of the affairs of the Society in accordance with these rules and the bye laws made there under for furtherance of its objects and shall have all powers which may be necessary or expedient for the purpose.
- (b) Without prejudice to the generality of the powers conferred by the foregoing sub-rule, the Governing Council shall have the power;
 - (i) to prepare and execute detailed plans and programmes for furtherance of the objects of the Society;
 - (ii) to consider the annual and supplementary budgets placed before it and pass them with such modifications as may be deemed necessary for being submitted to the General Body;
 - (iii) to prepare annual report and accounts of the Society for consideration of the General Body;
 - (iv) to create posts and appoint such staff as may be required for the efficient management of the affairs of the Society and regulate the recruitment and conditions of service, provided that
 - (a) the approval of the Government of India would be required for creation of posts the maximum time scale pay of which exceeds Rs.5700/-.(Revised Rs. 18,300/-)
 - (b) *the appointment to a post carrying a maximum time scale pay of Rs.22,400/- or more shall be made with the approval of the Chairperson , provided that concurrence of Government of India will be required for appointment to the post of Director.
 - (c) the approval of the Government of India would be necessary in regard to adoption of scale of pay, allowances and revision thereof which are not identical to those adopted for corresponding posts in accordance with the orders of the Government of India issued from time to time.
 - (v) to receive and to have custody of the funds of the society and manage the properties of the society.
 - (vi) to incur expenditure subject to the provisions of the approved budget;
 - (vii) to lay down terms and conditions with regard to scholarships, fellowships, deputation, consultancy, grant-in-aid, research schemes and projects;

* Amended vide General Body Resolution dated 15th May, 2008.

- (viii) to make, adopt and vary from time to time the bye-laws for the regulation of and for any purpose connected with the management and administration of the affairs of the Society and for furtherance of its objects;
 - (ix) to exercise control over the employees of the Society, including the power of suspension and dismissal;
 - (x) to prescribe the powers, functions and duties of the Director of the Society;
 - (xi) to select, from time to time, subjects in which studies, researches, trainings and teachings may be conducted by the Society;
 - (xii) to correspond with foreign scholars, institutions and organizations and to cooperate with them in matters relating to the work of the Society;
 - (xiii) to depute, if it deems fit, delegates to represent the Society at conferences in India and abroad;
 - (xiv) to hold lectures and seminars and arrange for studies, trainings, researches and conferences in such subjects and in such manners as it may deem fit from time to time.
 - (xv) to publish and/or to finance the publication of studies, books, periodicals, reports and/or other literatures and to sell or to arrange for the sale of these, as it may deem fit, from time to time;
 - (xvi) to arrange for the documentation of such materials in legal and allied fields, as it may deem fit, from time to time;
 - (xvii) to institute and maintain library or libraries;
 - (xviii) to purchase all such articles and materials as may be necessary for the Society and for its functioning;
- (c) The Governing Council may, by resolution, delegate such administrative, financial and other powers to the Director or any other Officer of the Society as it may consider necessary and proper.

17. (A) MEETING OF GOVERNING COUNCIL:

The Governing Council will meet at such intervals as may be required for smooth functioning of the Society.

(B) CHAIRMAN OF MEETINGS:

The Chairperson, shall preside over all meetings of the General Body as well as the Governing Council, but where the Chairperson is absent at any meeting, the senior puisne Judge of the Supreme Court of India, who is a member of the Society shall preside. In the absence of both of them, the members present shall choose one amongst them to preside over the meeting.

18. DIRECTOR:

- (1) The Director of the Society shall be the Principal Executive Officer of the Society. He shall be appointed by the Chairperson with the approval of the Government of India and shall receive such salary and emoluments and will be governed by such terms and conditions of services as may be determined by the Chairperson from time to time with the approval of the Government of India.
- (2) The Director is authorized to enter into agreements/contracts on behalf of the Society in accordance with the bye laws of the Society.

19. FUNCTIONS AND POWERS OF THE DIRECTOR:

- (a) Subject to any order that may be passed by the Chairperson, the Director shall be responsible for:
 - (i) the proper administration of the affairs and funds of the Society;
 - (ii) prescribing the duties to all the employees of the Society;
 - (iii) preparation of annual budgets, supplementary budgets etc. and their submission to the competent authority for approval;
 - (iv) maintenance of accounts and its audit;
 - (v) co-ordinating and exercising the general supervision on all the activities of the Society and upon the work and conduct of the employees of the Society.
- (b) The Director shall maintain a record of the minutes of the meetings of the Governing Council/General Body, Committees, sub-Committees etc., and perform such other duties as may assigned to him by the Chairperson from time to time.
- (c) The Director shall prepare Annual Report and Accounts of the Society for consideration of the Governing Council/General Body.
- (d) The Director may, in writing, delegate such of his powers as he may consider necessary to any officer of the Society with the approval of the Chairperson

- (e) In the event of the absence of the Director for a long period leave or otherwise his inability to act, the Chairman may make interim arrangements to look after his duties.

20. FUNDS OF THE SOCIETY, ACCOUNTS AND AUDIT:

1. The funds of the Society shall consist of the following:
 - (a) Grants made by the Central Government or State Governments;
 - (b) donations, contributions and from other sources;
 - (c) fees collected for the courses conducted by the Society;
 - (d) Income from the publications of the Society.
 2. The Society shall maintain proper accounts including balance sheets in such form as are prescribed under the Societies Registration Act, 1860, and the bye-laws made there under.
 3. The fund of the Society shall be utilized for the objects of the Society mentioned in the Memorandum of Association.
- 21.** The Accounts of the Society shall be audited annually by a qualified auditor appointed by the General Body of the Society and any expenditure incurred in connection with the auditing of accounts of the Society shall be payable by the Society.

22. OPERATION OF BANK ACCOUNTS:

The funds of the Society shall be deposited in a Public Sector bank to be named by the Governing Council. Any money received by or on behalf of the Society shall be deposited into the Society's bank account and shall not be withdrawn except through cheques issued by the Director or any other Officer/official authorized in this behalf.

23. REGIONAL TRAINING CENTRES:

The Society may utilize the facilities **available** in various other institutions located in different parts of the country to achieve its objects.

24. LEGAL PROCEEDINGS:

The Society may sue or be sued in the name of the Director as per provisions laid down under Section 6 of the Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi.

25. INDEMNITY:

Every officer of the Society shall be indemnified from out of the funds of the Society against any loss and expense incurred in the bona fide discharge of their official duties.

26. VALIDATION OF ACTS:

The Society shall function notwithstanding any vacancy in its body and no act, direction or proceeding of the Society shall be invalid merely by reason of such a vacancy or any defect in the appointment of any of its members.

27. ANNUAL LIST OF GOVERNING COUNCIL:

Once in every year a list of members of the Governing Council shall be filed with the Registrar of Societies, Delhi as required under Section 4 of the Societies Registration Act, 1860.

28. AMENDMENTS TO MEMORANDUM OF ASSOCIATION OR RULES:

Any amendment to the Memorandum of Association or Rules will be carried out in accordance with the procedure laid down under Section 12 & 12A of Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi.

29. DISSOLUTION AND ADJUSTMENT OF AFFAIRS:

If the Society is to be dissolved, it shall be dissolved as per the provision laid down under Section 13 & 14 of the Societies Registration Act, 1860 as are applicable to the National Capital Territory of Delhi.

30. APPLICATION OF THE ACT:

All the provisions under all the Sections of the Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi shall apply to the Society.

31. ESSENTIAL CERTIFICATE:

Certified that this is the correct copy of the Rules and Regulations of the Society.

Sd/-

M.N.Venkatachaliah

(Chairperson)

Sd/-

M.S.A. Siddiqui

(Member/ Convener)

Sd/-

S. Ratnavel Pandian

(Member of the
Governing Council)



National Judicial Academy

Registered Office :

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Tilak Marg, New Delhi - 110 001

Campus :

Bhadbhada Road, Suraj Nagar, Bhopal 462044