

CHANDIGARH JUDICIAL ACADEMY RULES 2009

INDEX

Sr. No.	Particulars	Page No.
1.	Short Title	
2.	Definitions	6
3.	Members of the Society	6
4.	Terms of Membership	7
5.	Resignation	7
6.	Register of Members	8
7.	General Body	8
8.	Powers Duties and Functions of the General Body	8
9.	Creation of Posts	8
10.	Procedure for calling of Meetings	8
11.	Special Meeting	8
12.	Special Invitees	9
13.	Decision by Majority Votes	9
14.	Board of Governors	9
15.	Powers and Functions of the Board of Governors	10
16.	Meeting of Board of Governors	10
17.	Powers of the Patron-in-Chief to constitute committees and sub-committees	11
18.	Director (Administration)	12
19.	Functions and powers of the Director (Administration)	12
20.	Director (Academics)	12
21.	Administrative Officer	13
22.	Faculty	13
23.	Funds of the Society Accounts and Audit	13
24.	Operation of Bank Accounts	14
25.	The Accounts of the Society shall be audited annually by a qualified auditor appointed by the Board of Governors of the Society and any expenditure incurred in connection with the auditing of accounts of the Society shall be payable by the Society.	15

	Legal Proceedings	15
26.	Indemnity	15
27.	Protection of action taken in Good Faith	15
28.	Additional protection to the members of the General	
29.	Body and Board of Governors.	15
30.	Disqualification for being a member or holding office in society	15
	Validation of Acts	15
31.	Annual list of Board of Governors	16
32.	Amendment to Memorandum of Association or Rules	16
33.	Dissolution and Adjustment of Affairs	16
34.	Application of the Act	16
35.	Interpretation of Rules	16
36.	Repeal and savings	16
37.	Essential certificate	16
38.		



CHANDIGARH JUDICIAL ACADEMY RULES 2009

1. SHORT TITLE:

- (1) These Rules may be called 'Rules of the Chandigarh Judicial Academy 2009;
- (2) They shall come into force from the date of the approval to the Rules by the General Body of the Society.

2. DEFINITIONS:

In these Rules unless the context otherwise requires:

- (a) 'Academy' means Chandigarh Judicial Academy.
- (b) 'Academic Staff' means the employee of the Society engaged in education training or research.
- (c) Board of Governors means the Board of Governors of the Society
- (d) 'Bye Laws' means byelaws framed by the Board of Governors subject to the approval of the General Body in its next meeting with or without modification.
- (e) 'Chief Justice' means Chief Justice of High Court of Punjab and Haryana High Court and includes the Judge performing the duties of Chief Justice of High Court of Punjab and Haryana.
- (f) 'Corpus' means the capital (corpus) contributed by the States of Punjab and Haryana for the effective functioning of the Judicial Academy so as to achieve its aims and objects.
- (g) 'Director (Administration)' 'Director (Academics)' and 'Administrative Officer' mean the persons appointed as such by the Patron in Chief of the Society.
- (h) Employee means an employee of the Society appointed directly by way of deputation or transfer or in any other manner whether on fixed term contract or otherwise.
- (i) 'General Body' means the General Body of the members of the Society and shall include the expression Governing Body in the Memorandum of Association.
- (j) 'Government' shall include the Governments of the States of Punjab Haryana and Chandigarh.
- (k) 'High Court' means the High Court of Punjab and Haryana.
- (l) 'Member' means the member of the Society admitted as such under these Rules and whose name appears in the 'Register of Members'.
- (m) '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
- (n). 'Official Year' means the financial year i.e. 1st April to 31' March.

- (o) 'Patron-in-chief means the Patron-in-Chief of the Society and the General Body.
- (p) 'President' means President of Board of Governors.
- (q) 'Regulations means the Regulations of the Chandigarh Judicial Academy as may be framed and amended from time to time by the Board of Governors with the prior approval of the Society.
- (r) 'Rules' means the Rules of the Chandigarh Judicial Academy as may be framed and amended from time to time by the Society.
- (s) 'Society' means the Academy as defined in Rule 2(a)

MEMBERS OF THE SOCIETY:

3. The following shall be the members of the Society:

- (1) Chief Justice of High Court of Punjab and Haryana
- (2) Nine Senior most Judges of the High Court of Punjab and Haryana and two Judges nominated on the Board of Governors by the Patron-in-Chief.
- (3) Five Persons who have distinguished either in legal profession academics or as a judge (to be nominated by the Patron-in-Chief)
- (4) Director National Judicial Academy Bhopal
- (5) Chief Secretary Government of Punjab
- (6) Chief Secretary Government of Haryana
- (7) Advisor to Administrator of Chandigarh Administration
- (8) Advocate General Punjab
- (9) Advocate General Haryana
- (10) Legal Remembrancer Punjab
- (11) Legal Remembrancer Haryana
- (12) Director (Administration) Chandigarh Judicial Academy
- (13) Director (Academics) Chandigarh Judicial Academy

The Director (Administration) Chandigarh Judicial Academy will be ex-officio Secretary of the Society.

4. TERMS OF MEMBERSHIP.

- (1) 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.
- (2) A person nominated as Member of the Society in terms of Rule 3 above shall continue to be a Member for a period of three years or for a lesser period as may be decided by the Patron-in-Chief.
- (3) A person whose term as nominated Member has come to an end may be re-nominated for another similar term by the Patron-in-Chief.

- (4) If a casual vacancy arises during the period fixed such a vacancy shall be filled up in a like manner as the original vacancy and the admitted member shall hold office for the unexpired portion of that term.

5. RESIGNATION:

When a member desires to resign from the Membership of the Society he shall forward the letter of resignation to the Patron-in-Chief. The resignation shall take effect only from the date of its acceptance by the Patron-in-Chief.

6. 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.

7. GENERAL BODY:

- (1) The members of the Society shall constitute the General Body.
- (2) The Chief Justice shall be the Patron-in-Chief of the Society.

8. POWERS DUTIES AND FUNCTIONS OF THE GENERAL BODY

- (1) the financial authority of the Society shall vest in the General Body unless otherwise specified in these rules and delegated to Board of Governors.
- (2) the duties and functions of the General Body shall be :
 - (a) to adopt Rules and Regulations of the Society and amend it from time to time;
 - (b) to approve byelaws framed by the Board of Governors with or without modifications;
 - (c) to pass the accounts and to consider the Auditor's Report and Annual Report at the Annual General Body Meeting;
 - (d) to approve programme of activities of the Society for the ensuing years;
 - (e) to consider and decide about all the matters relating to winding up of the Society and disposal of its assets and liabilities in accordance with the provisions of the Societies Registration Act 1860.

9. CREATION OF POSTS:

The Society reserves specific powers to create teaching & non teaching posts in the Academy and prescribe conditions of eligibility for appointment against the same as also to suggest procedure for recruitment & other incidental matters including disciplinary action for misconduct if any.

10. PROCEDURE FOR CALLING OF MEETINGS:

- (1) The annual General Body Meeting of the Society shall be held on such time and place as may be determined by the Patron-in-Chief but not later than 4 months of closure of the next 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.
- (2) 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 (Administration) with the prior approval of the Patron-in-Chief.
- (3) 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 a notice or non-receipt or late receipt of the notice to any member shall not invalidate the meeting.
- (4) 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.
- (5) The Patron-in-Chief shall preside over the meetings of the General Body and in his absence the senior most Judge of the High Court who is a member of the Society shall preside.

11. **SPECIAL MEETING:**

The Patron-in-Chief may convene a meeting of the General Body on the written notice by not less than two-third of the members of the General Body served upon Director (Administration) to consider matters of special nature.

12. **SPECIAL INVITEES:**

The Patron-in-Chief may invite any person other than the members to attend a meeting of the General Body. Such an invitee shall not however be entitled to cast his vote at the meeting.

13. **DECISION BY MAJORITY VOTES:**

- (1) All decisions in the General Body should be arrived at by consensus but in case of difference of opinion the same shall be decided by majority votes of the members present at the meeting.
- (2) Each member shall have one vote.
- (3) In case of equality of votes the presiding member of the meeting shall have a casting vote.

14. BOARD OF GOVERNORS:

- (1) There shall be Board of Governors of the Society in whom the administration management and control of the Society shall vest. It shall consist of three senior most Judges other than members of the Administrative Committee of the High Court while the remaining two members shall be nominated by the Patron in Chief from amongst those Judges who are not members of the Administrative Committee of the High Court or of the Society nominated under Rule 3[3] of these Rules.
- (2) The senior most of the members of the Board of Governors shall be its President.
- (3) The Director (Administration) shall be ex-officio Secretary of the Board of Governors and shall maintain records of the meetings.

15. POWERS AND FUNCTIONS OF THE BOARD OF GOVERNORS:

- (1) The Board of Governors shall be responsible for the management and administration of affairs of the Society in accordance with these rules regulations 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.
- (2) Without prejudice to the generality of the powers conferred by the foregoing sub rule the Board of Governors shall have the power.
 - (a) to prepare and execute detailed plans and programmes for furtherance of the objects of the Society;
 - (b) 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;
 - (c) to prepare annual report and accounts of the Society for consideration of the General Body;
 - (d) 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.
 - (e) to receive and to have custody of the funds of the Society and manage the properties of the Society;
 - (f) to incur expenditure subject to the provisions of the approved budget;
 - (g) to lay down terms and conditions with regard to scholarships fellowships deputation consultancy grant-in-aid research schemes and projects;
 - (h) to make adopt and vary from time to time 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;
 - (i) to make adopt and vary from time to time the bye-laws for any purpose connected with the management and administration of the affairs of the Society and for furtherance of its objects;

Provided further that byelaws so framed shall be placed before the next meeting of the General Body for its consideration. Any change or modification resolved by the Board of Governors shall be incorporated in the byelaws so framed.

- (j) to exercise control over the employees of the Society including the power to take disciplinary proceedings and impose punishments.
 - (k) to prescribe limit or circumscribe the powers functions and duties of the Directors Administrative Officers and other functionaries of the Society;
 - (l) to select from time to time the subjects in which studies researches trainings and teachings may be conducted by the Society;
 - (m) to correspond with foreign scholars institutions and organizations and to coordinate with them in matters relating to the functions of the Society;
 - (n) to depute if it deems fit delegates to represent the Society at conferences in India and abroad;
 - (o) to organise lectures and seminars and arrange for studies trainings researches and conferences in furtherance of its aims and objects;
 - (p) to publish and/or to finance the publication of studies books periodicals reports and/or other literatures and to sell or arrange for the sale thereof;
 - (q) to arrange for the documentation of such materials in legal and allied fields as it may deem fit;
 - (r) to establish and maintain library;
 - (s) to purchase all such articles and materials as may be necessary for the functioning of the Society;
 - (t) to engage members of the faculty and on such terms and conditions in furtherance of the aims and objects of the Society;
 - (u) to constitute Committees and Sub-Committee generally or for specific purpose with a view to achieve attainment of the aims and objects of the Society; and
 - (v) to do or take all decisions actions as may be necessary for the proper functioning of the Society except which specifically falls within the scope of powers duties and functions of the General Body.
- (3) The Board of Governors may by resolution delegate such administrative financial and other powers to any other Officer of the Academy as it may consider necessary and proper.

16. **MEETINGS OF BOARD OF GOVERNORS:**

- (1) The Board of Governors shall meet once in fortnight for smooth functioning of the Society.
- (3) Director (Academics) may be invited in meetings of Board of Governors or Director (Admn.)
- (4) All meetings of the Board of Governors shall be convened by Director

(Administration) by a notice in writing containing the date time place of the meeting and a summary of the agenda of business to be transacted there at.

- (5) The Senior Most Judge member of the Board of Governors present in the meeting shall preside over the meetings of the Board of Governors.
- (6) The minutes of the meeting of the Board of Governors shall be placed before Patron-in-Chief for perusal and information.

17. POWERS OF THE PATRON-IN-CHIEF TO CONSTITUTE COMMITTEES & SUB-COMMITTEES:

The Patron-in-Chief shall have powers to constitute Committees and Sub-Committee of such as members as considered appropriate generally or for specific purpose with a view to provide better attainment of the aims and objects of the Society.

18. DIRECTOR (ADMINISTRATION)

- (1) There shall be the Director (Administration) to be appointed by the Patron-in-Chief.
- (2) The Director (Administration) shall be a member of the Superior Judicial Services of either State of Punjab or Haryana.
- (3) The Director (Administration) shall ordinarily hold office for a period of three years but Patron-in-Chief may extend or curtail such period.

19. FUNCTIONS AND POWERS OF THE DIRECTOR (ADMINISTRATION):

- (1) Subject to any order that may be passed by the Board of Governors or the Patron-in-Chief the Director (Administration) shall be responsible for:
 - (a) the proper administration of the affairs and funds of the Society;
 - (b) to maintain and authenticate records of the Academy and to give certificates etc. for and on behalf of the Society;
 - (c) maintaining record of the minutes of the meetings of the Board of Governors General Body Committees sub-Committees etc;
 - (d) preparation of annual budget supplementary budgets etc. and their submission to the competent authority for approval;
 - (e) maintenance of accounts and its audit;
 - (f) exercising the general supervision upon the work and conduct of the employees of the Society other than Director(Academics);
 - (g) co-ordinating the work and conduct of the Director (Academics) and the members of the faculty;
 - (h) performing such other duties or functions as may be assigned for effective pursuits of aims and objects of the Society;
 - (i) prescribing the duties of the Administrative Officer and all the employees of the society from time to time.

- (j) to enter into agreements/ contracts on behalf of the Society as authorized by the Board of Governors.
- (2) The Director (Administration) shall prepare Annual Report and Accounts of the Society for consideration of the Board of Governors/General Body.
- (3) The Director (Administration) may in writing delegate such of his powers as he may consider necessary to any officer of the Society with the approval of the Board of Governors.

DIRECTOR (ACADEMICS):

- 20.
- (1) There shall be a Director (Academics) to be appointed by Patron-in-Chief of the Society
 - (2) A distinguished Academician with teaching experience of not less than 15 years and experience as Professor of Law not less than 3 years shall be qualified for being appointed as the Director (Academics).
 - (3) Subject to any orders that may be passed by the Board of Governors and/or the Patron-in-Chief the Director (Academics) shall be responsible for:
 - (a) the arrangements including conceptualizing and planning for organizing various Courses/ Training Programmes/ Workshops/ Conferences/ Seminars etc. by the Academy;
 - (b) facilitating the work of legal research and provide necessary guidance to those engaged in the task in the Academy;
 - (c) to plan co-ordinate and supervise the working of the members of the faculty
 - (4) The Director (Academics) shall receive such salary and emoluments and will be governed by such terms and conditions of services as may be determined by the Patron-in-Chief on the recommendation of the Board of Governors.
 - (5) The Director (Academics) shall be appointed for a period of three years. However the Patron-in-Chief can extend the period of engagement for such other period not exceeding three years as may be considered to be appropriate.

21. ADMINISTRATIVE OFFICER

- (1) There shall be an Administrative officer appointed on deputation from amongst members of the Punjab or Haryana State Civil Services.
- (2) The term of the office of Administrative Officer shall be 3 years which may be extended for another 2 years.
- (3) The Administrative Officer shall be responsible for such duties or functions as may be assigned by the Patron-in-Chief or Board of Governors. Director (Administration)

22. FACULTY

- (1) The Academy shall have a regular Faculty comprising the Director (Academics) and four other members for the present to be known as Educators out of whom at

least two shall be from amongst the retired or serving Judicial Officers from the States of Punjab and Haryana. The other two members of the Faculty shall be Academicians with suitable experience in the related field(s).

- (2) The Board of Governors subject to the approval of the Patron-in-Chief of the Society shall be competent to select the Faculty members.
- (3) The Patron-in-Chief of the Society shall appoint members of the faculty for such period and on such terms and conditions as is recommended by the Board of Governors.
- (4) The members of the Faculty shall be selected for appointment either by way of advertisement or circulation of the posts. The Board of Governors may recommend an eminent academician without any advertisement or circulation of the vacancy.
- (5) The Society shall have a panel of Academicians retired/serving Judicial Officers eminent lawyers Social Scientists former or serving Bureaucrats and Subject experts whose services shall be availed from time to time.
- (6) The empanelled members of the Faculty shall be paid such emoluments or honorarium as may be determined by the Board of Governors.

23. FUNDS OF THE SOCIETY ACCOUNTS AND AUDIT:

- (1) The funds of the Society shall include the following:
 - (a) **Rs. 50.00 crores to be contributed equally by the states of Punjab and Haryana as Corpus. This shall be in addition to their annual contribution which shall not be less than the annual recurring expenditure of the Academy to be determined by the General Body.**

Yet to be approved in the meeting of AG & B
 - (b) the Society shall also be entitled to receive contribution from statutory bodies created under the Acts of Parliament or the State Legislature or any International Organization etc.
 - (c) grants made by the Government;
 - (d) donation contributions from other sources;
 - (e) fees collected for the courses various conducted by the Society;
 - (f) income from the publications of the Society.
- (2) the entire expenditure of the Academy shall be borne by the States of Punjab and Haryana in equal shares.
- (3) The fund of the Society shall be utilized for the aims and objects of the Society mentioned in the Memorandum of Association. The interest on the Corpus shall be used as fund available with the Academy. The Corpus will be kept as reserve to be used for capital Expenditure as resolved by the General Body.
- (4). The Society shall maintain accounts in such form as are prescribed by Law.

24. The Accounts of the Society shall be audited annually by a qualified auditor appointed by the Board of Governors of the Society and any expenditure incurred in connection with the auditing of accounts of the Society shall be payable by the Society.

OPERATION OF BANK ACCOUNTS:

25. The funds of the Society shall be deposited in a Public Sector Bank to be named by the Board of Governors. Any money received by or on behalf of the Society shall be deposited into the Society's bank account. The Bank Account shall be operated in terms of the authorization by the Board of Governors.

LEGAL PROCEEDINGS:

26. The Society may sue or be sued through the Director (Administration) as per provisions laid down under Section 6 of the Societies Registration Act 1860.

INDEMNITY:

27. Every officer of the Society shall be indemnified against any loss and expenses incurred in the bona fide discharge of their official duties.

PROTECTION OF ACTION TAKEN IN GOOD FAITH:

28. No suit prosecution or any other legal proceedings shall lie against any officer employee of the Society in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of the Rules.

ADDITIONAL PROTECTION TO THE MEMBERS OF THE GENERAL BODY AND BOARD OF GOVERNORS.

29. Except as provided u/s 10 & 11 of the Societies Act 1860 no court shall entertain or continue any Civil or Criminal proceedings against any member of the Governing Body or the Board of Governors for any act thing or word committed done or spoken by him when or in the course of acting or purporting to act in discharge of his functions in his capacity as member of the Governing Body or Board of Governors of the Society.

DISQUALIFICATION FOR BEING A MEMBER OR HOLDING OFFICE IN SOCIETY:

30. A person who is an undercharged insolvent or who has been convicted of any offence in connection with the formation promotion management or conduct of the affairs of any Society body corporate or of an offence involving moral turpitude shall be disqualified to become a member or holding any office of the Society.

VALIDATION OF FACTS:

31. The Society shall function notwithstanding any vacancy in the General Body and no act direction or proceedings of the Society shall be invalidated merely by reason of such a vacancy or any defect in the appointment of any of its members.

32. ANNUAL LIST OF BOARD OF GOVERNORS:

Once in every year a list of members of the Board of Governors shall be filed with the Registrar of Societies Chandigarh as required under Section 4 of the Societies Registration Act 1860.

33. AMENDMENT 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 of Societies Registration Act 1860 as applicable to the Union Territory of Chandigarh.

34. DISSOLUTION AND ADJUSTMENT OF AFFAIRS:

If the Society is to be dissolved it shall be dissolved as per the provisions laid down under sections 13 & 14 of the Societies Registration Act 1860.

35. APPLICATION OF THE ACT:

The Societies Registration Act 1860 as applicable to the Union Territory of Chandigarh shall apply to the Society.

36. INTERPRETATION OF RULES

In case of any ambiguity or conflict of any of the provisions of these Rules the interpretation of the said Rules by the Patron-in-Chief shall be final and binding.

37. REPEAL AND SAVINGS

All previous rules regulations instructions and circulars shall repealed on the approval of these Rules by the General Body to the extent the same are inconsistent with these rules.

38. ESSENTIAL CERTIFICATE:

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

Sd/-

Sd/-

Sd

