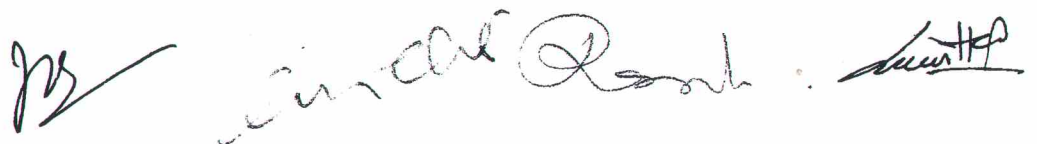


-DELHI DISPUTE RESOLUTION SOCIETY
देहली विवाद समाधान समिति

PART-I

MEMORANDUM OF ASSOCIATION

1. **NAME.** - The name of the Society shall be the Delhi Dispute Resolution Society.
(देहली विवाद समाधान समिति)
2. **OFFICE.** - The office of the society shall be situated, for the present, in the Department of Law, Justice & Legislative Affairs, Govt. of National Capital Territory of Delhi, 8th Level, 'C' Wing, Delhi Secretariat, I.P. Estate, New Delhi – 110 013.
3. **AIMS AND OBJECTS.** - The aims and objects for which the Society is set up are :-
 - i) To establish a Society as a centre of excellence of alternative modes of resolution of disputes and also consensus building in Delhi.
 - ii) To establish institutionalized mechanism of Alternative Dispute Resolution (ADR) and consensus building in Delhi for resolution of disputes of various types at the pre and post litigation stages.
 - iii) To establish, develop and maintain institute(s) on Alternative Dispute Resolution or related subjects and to get it affiliated/ recognized with any University in the Country or abroad or to have its own regular or deemed University.
 - iv) To undertake, prescribe study courses and research projects in Alternative Dispute Resolution.
 - v) To impart training in Alternative Dispute Resolution and related subjects.
 - vi) To award degrees/ diplomas/ certificates to persons who have satisfactorily completed approved courses of study and/ or research and have passed examinations as may be prescribed from time to time.
 - vii) To provide financial assistance to learned scholars and societies for their approved projects.
 - viii) To provide fellowships, scholarships, grant-in-aid etc. to societies or individuals to hold seminars and conferences, and for the publication of



books, Monographs, journals, proceedings of conferences as well as establish prizes and medals in recognition of merit.

- ix) To help parties resolve their disputes amicably, economically and quickly.
- x) To help clear backlog of cases from the courts.
- xi) To help save cost of litigation and cost of Courts and the State.
- xii) To empower communities and individuals with strength, skills and resources to express and resolve their conflicts peacefully and appropriately suiting their culture and environment and to increase social harmony in the society.
- xiii) To develop a system for handling, training, teaching and resolving disputes and to develop phased strategical plans.
- xiv) To establish various ADR centers and clinics in Delhi targeting individuals or combined types of disputes.
- xv) To publicize, advertise and create awareness in the public, litigants, lawyers and others about the processes and benefits of ADR and related subjects including consensus building.
- xvi) To provide and disseminate information, know how, experiences and literature etc. relating to ADR and related subjects including consensus building.
- xvii) To undertake, organize and facilitate the study courses, conferences, seminars, workshops, camps, lectures and research in the matters relating to ADR, etc.
- xviii) To train the public, trainers and others for the purpose of creating a resource persons reservoir in ADR, etc..
- xix) To develop various other suitable and dispute specific models of ADR for different target groups.
- xx) To empanel competent and sufficient number of neutrals for ADR in and outside the centers of the society on the terms and conditions as may be prescribed by the society.
- xxi) To appoint or to empanel the eminent psychologists, psychiatrists, counselors, social workers, NGOs etc.
- xxii) To appoint or empanel Engineers, Values, Designers, Architects, Accountants etc. for the purpose of promoting cause of ADR and related subjects.



- xxiii) To establish relations with various institutions, financial institutions, government authorities, universities, hospitals and other bodies etc. within and outside the country for the purpose of promoting cause of ADR.
- xxiv) To enhance the capabilities of the existing trained neutrals to improve their quality of training.
- xxv) To assist, interact and collaborate in promoting ADR with other institutions and bodies, both within the country and abroad.
- xxvi) To undertake, publish and disseminate the results of the cases settled or not.
- xxvii) To assign cases to neutrals for mediation or such other related, connected purposes etc. on the terms as may be decided by the society.
- xxviii) To register all or specific type of cases (Pre or Post litigation) settled outside the centre at the instance of the neutral or party(ices) on the terms and conditions as may be decided by the society.
- xxix) To award certificates, diplomas and post graduate diplomas and other distinctions to the trained neutrals and the referring judges depending upon the type of training and courses undertaken by them and also the success rate of referring judges and neutrals.
- xxx) To establish procedures for smooth functioning of the society in carrying out activities in matters relating to personnel, finance, administration, purchases and management of centers, libraries, lecture halls, auditorium, hostels etc.
- xxxi) To prepare, print and public papers, periodicals, monographs and books, in furtherance of the objectives of the Society.
- xxxii) 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 purpose of the Society; to raise money and funds, in such manner as may be deemed fit, for and on behalf of the





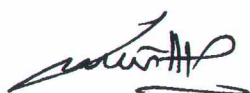
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Society including by grants, donations, gifts etc.; to establish a Provident Fund for the benefits of the employees of the Society if and when considered necessary; and to accept the management of any trust, fund or endowment which the Society may 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. 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 COUNCIL.** - (1) 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, 1960, as applicable to the National Capital Territory of Delhi are as follows:-

S.No.	Name in full	Address	Occupation	Designation
1.	Hon'ble Ms. Sheila Dikshit	Delhi Sectt. I.P.Estate, New Delhi	Chief Minister Govt. of NCT of Delhi	Patron-in-Chief
2.	Hon'ble Mr. Justice M.B. Lokur	Delhi High High Court	Judge, Delhi High Court	Patron
3.	Shri Rakesh Mehta	Delhi Sectt. I.P.Estate, New Delhi	Chief Secretary Govt. of NCT of Delhi	President
4.	Shri M.L. Mehta	Delhi Sectt. I.P.Estate, New Delhi	Pr. Secretary (Law, Justice & LA) Govt. of NCT of Delhi	Vice President
5.	Shri P.K. Tripathi	Delhi Sectt. I.P.Estate,	Pr. Secretary to Chief Minister	Member



- | | | | | |
|-----|---------------------|--|---|--------|
| | | New Delhi | Govt. of NCT of Delhi | |
| 6. | Shri J.P. Singh | Delhi Sectt.
I.P.Estate,
New Delhi | Pr. Secretary
(Finance)
Govt. of NCT of Delhi | Member |
| 7. | Shri G.S. Patnaik | Delhi Sectt.
I.P.Estate,
New Delhi | Pr. Secretary
(Home)
Govt. of NCT of Delhi | Member |
| 8. | Shri G.P. Mittal | Tis Hazari | District &
Sessions Judge
Delhi | Member |
| 9. | Shri Rakesh Kapoor | Delhi
High Court | Registrar General
Delhi High Court | Member |
| 10. | Shri Najmi Waziri | Delhi High
Court | Standing Counsel
of Delhi High Court | Member |
| 11. | Dr. Ghanshyam Singh | Dwarka,
New Delhi | Registrar,
National Law
School | Member |

12. (Legal eminent person to be nominated by the Government)
13. (Representative to be nominated from the Financial Institution by the Government)
14. (Representative to be nominated from any Insurance Company by the Government)
15. (Active eminent Social representative to be nominated by the Government)

16. The Director of the Society shall be the Secretary of the Governing Council.

(2) Notwithstanding the vacation of office as Judge, Delhi High Court, Chief Secretary, GNCTD and Pr. Secretary (Law, Justice and LA), in the interest of continuity and initial development of the society, Hon'ble Mr. Justice M.B. Lokur, Sh. Rakesh Mehta and SH. M.L. Mehta shall continue to hold these positions as Patron, President and Vice President of the Governing Council respectively, at least, for a period of five years from the date of registration of the society and their successors-in-office shall be the additional members of the Governing Council:

Provided that the Governing Council may by resolution extend their terms of office for a further period of five years or such other period, as it may think fit in the interest of the society.

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7. **EXECUTIVE COUNCIL.** - (1) The Executive Council shall consists of the following:-

1. Pr. Secretary (Law, Justice & L.A.) - Chairman
2. District & Sessions Judge, Delhi - Member
or his nominee
3. Registrar General, Delhi High Court- Member
4. Director, Delhi Judicial Academy - Member
5. Member Secretary, Delhi Legal - Member
Services Authority
6. Additional Secretary(Services) - Member
7. Additional Secretary(Finance) - Member
8. Commissioner of Police or his - Member
nominee
9. One trained Mediator Trainer from- Member
Delhi Mediation Centre

10. The Director of the Society shall be the Secretary of the Executive Council.

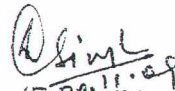
(2) Notwithstanding the vacation of office as Pr. Secretary (Law, Justice and LA), in the interest of continuity and initial development of the society, Sh. M.L. Mehta shall continue to hold the positions as Chairman of the Executive Council, at least, for a period of five years from the date of registration of the society and his successors-in-office shall be the additional members of the Executive Council:

Provided that the Governing Council may by resolution extend his terms of office for a further period of five years or such other period, as it may think fit in the interest of the society.

8. **DESIROUS PERSONS.** - We, the undersigned are desirous of forming a Society namely Delhi Dispute Resolution Society under the Society Registration Act, 1860 as applicable to the National Capital Territory of Delhi in pursuance of this Memorandum of Association of the Society:-

S.No.	Name & Address	Occupation	Signature/Attestation
1.	Shri Rakesh Mehta Delhi Secretariat	Chief Secretary, Govt. of NCT of Delhi	
2.	Shri M.L. Mehta Delhi Secretariat	Pr. Secretary(Law, Justice & L.A.), Govt. of NCT of Delhi	

Signature attested


(RAJEEV SINGH)
Sub-Divisional Magistrate
(General Duty)
Kanjhawala, Delhi-81

- | | | |
|----|---|--|
| 3. | Shri P.K. Tripathi
Delhi Secretariat | Pr. Secretary to Chief
Minister, Govt. of
NCT of Delhi |
| 4. | Shri J. P. Singh
Delhi Secretariat | Pr. Secretary(Finance)
Govt. of NCT of Delhi |
| 5. | Shri G.S. Patnaik
Delhi Secretariat | Pr. Secretary(Home)
Govt. of NCT of Delhi |
| 6. | Shri G.P. Mittal
Tis Hazari | District & Sessions Judge
Delhi |
| 7. | Shri Rakesh Kapoor
Delhi High Court | Registrar General,
Delhi High Court |

PK Tripathi

J.P. Singh

G.S. Patnaik

G.P. Mittal

Rakesh Kapoor

Amrinder Singh

Signature Amrinder Singh

Amrinder Singh

20.11.09
(RANJEET SINGH)
Sub-Divisional Magistrate
(Saraswati Vihar)
Kachhawala Delhi-21

PART-II

Delhi Dispute Resolution Society

1. **Short Title and Commencement:** - (1) These rules and regulations shall be called the Rules of the Delhi Dispute Resolution Society.

(2) They shall come into force on the date of registration of the society under the Society Registration Act, 1860.

2. **Definitions.** -

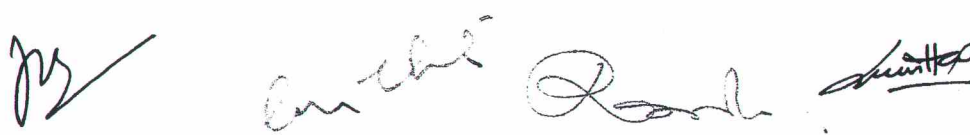
- (a) 'ADR' means the Alternative Dispute Resolution;
- (b) 'Chairman' means the Chairman of the Executive Council of the Society;
- (c) 'Chief Justice' means the Chief Justice of High Court of Delhi and includes Acting Chief Justice or the Judge performing the duties of Chief Justice of High Court of Delhi;
- (d) 'Director' means the person appointed as the Director of the Society;
- (e) 'District' means the Civil Districts of National Capital Territory of Delhi constituted under the Punjab Courts Act;
- (f) 'Executive Council' means the Executive Council of the Society;
- (g) 'Government' means the Government of National Capital Territory of Delhi;
- (h) 'Governing Council' means the Governing Council of the Society;
- (i) 'High Court' means the High Court of Delhi;
- (j) 'Member' means the member of the Governing Council or the Executive Council, as the case may be, of the Society;
- (k) 'Memorandum' means the Memorandum of Association as registered under Society Registration Act, 1860, and as may be amended from time to time by the Society;
- (l) 'Patron' means the Patron of the Society;
- (m) 'Patron-in-Chief' means the Patron-in-Chief of the Society;
- (n) 'President' means the President of the Governing Council of the Society;
- (o) 'Rules' means the rules and regulations of the Society;
- (p) 'Secretary' means the Secretary of the Executive Council of the Society;



- (q) 'Society' means the Delhi Dispute Resolution Society;
- (r) 'Vice President' means the vice president of the Governing Council of the Society.

4. Objects of the Society: - The objects of the Society shall be:-

- i. To establish a Society as a centre of excellence of alternative modes of resolution of disputes and also consensus building in Delhi.
- ii. To establish institutionalized mechanism of Alternative Dispute Resolution (ADR) and consensus building in Delhi for resolution of disputes of various types at the pre and post litigation stages.
- iii. To establish, develop and maintain institute(s) on Alternative Dispute Resolution or related subjects and to get it affiliated/ recognized with any University in the Country or abroad or to have its own regular or deemed University.
- iv. To undertake, prescribe study courses and research projects in Alternative Dispute Resolution.
- v. To impart training in Alternative Dispute Resolution and related subject.
- vi. To award degrees/ diplomas/ certificates to persons who have satisfactorily completed approved courses of study and/ or research and have passed examinations as may be prescribed from time to time.
- vii. To provide financial assistance to learned scholars and societies for their approved projects.
- viii. To provide fellowships, scholarships, grant-in-aid etc. to societies or individuals to hold seminars and conferences, and for the publication of books, Monographs, journals, proceedings of conferences as well as establish prizes and medals in recognition of merit.
- ix. To help parties resolve their disputes amicably, economically and quickly.
- x. To help clear backlog of cases from the courts.
- xi. To help save cost of litigation and cost of Courts and the State.
- xii. To empower communities and individuals with strength, skills and resources to express and resolve their conflicts peacefully and appropriately suiting their culture and environment and to increase social harmony in the society.



- xiii. To develop a system for handling, training, teaching and resolving disputes and to develop phased strategical plans.
- xiv. To establish various ADR centers and clinics in Delhi targeting individuals or combined types of disputes.
- xv. To publicize, advertise and create awareness in the public, litigants, lawyers and others about the processes and benefits of ADR and related subjects including consensus building.
- xvi. To provide and disseminate information, know how, experiences and literature etc. relating to ADR and related subjects including consensus building.
- xvii. To undertake, organize and facilitate the study courses, conferences, seminars, workshops, camps, lectures and research in the matters relating to ADR, etc.
- xviii. To train the public, trainers and others for the purpose of creating a resource persons reservoir in ADR, etc..
- xix. To develop various other suitable and dispute specific models of ADR for different target groups.
- xx. To empanel competent and sufficient number of neutrals for ADR in and outside the centers of the society on the terms and conditions as may be prescribed by the society.
- xxi. To appoint or to empanel the eminent psychologists, psychiatrists, counselors, social workers, NGOs etc.
- xxii. To appoint or empanel Engineers, Values, Designers, Architects, Accountants etc. for the purpose of promoting cause of ADR and related subjects.
- xxiii. To establish relations with various institutions, financial institutions, government authorities, universities, hospitals and other bodies etc. within and outside the country for the purpose of promoting cause of ADR.
- xxiv. To enhance the capabilities of the existing trained neutrals to improve their quality of training.
- xxv. To assist, interact and collaborate in promoting ADR with other institutions ad bodies, both within the country and abroad.
- xxvi. To undertake, publish and disseminate the results of the cases settled or not.

- xxvii. To assign cases to neutrals for mediation or such other related, connected purposes etc. on the terms as may be decided by the society.
- xxviii. To register all or specific type of cases (Pre or Post litigation) settled outside the centre at the instance of the neutral or party(ices) on the terms and conditions as may be decided by the society.
- xxix. To award certificates, diplomas and post graduate diplomas and other distinctions to the trained neutrals and the referring judges depending upon the type of training and courses undertaken by them and also the success rate of referring judges and neutrals.
- xxx. To establish procedures for smooth functioning of the society in carrying out activities in matters relating to personnel, finance, administration, purchases and management of centers, libraries, lecture halls, auditorium, hostels etc.
- xxxi. To prepare, print and public papers, periodicals, monographs and books, in furtherance of the objectives of the Society.
- xxxii. To do all such other lawful acts and things as are conducive or incidental to the attainment of the objectives of the society.

5. Authorities of the Society: The following shall be the authorities of the Society:-

- (i) Patron-in-Chief;
- (ii) Patron;
- (iii) Governing Council;
- (iv) Executive Council;
- (v) Such other authorities as may be decided by the Governing Council.

6. Membership of the Governing Council: There shall be a Governing Council of the Society which shall consist of the following members, namely: -

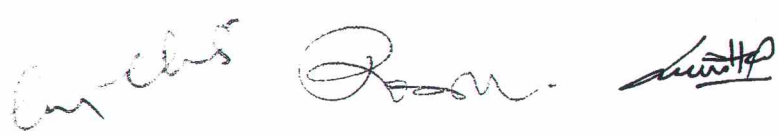
S.No.	Name in full	Address	Occupation	Designation
1.	Hon'ble Ms. Sheila Dikshit	Delhi Sectt. I.P.Estate, New Delhi	Chief Minister Govt. of NCT of Delhi	Patron-in-Chief

[Handwritten signatures and initials]

2.	Hon'ble Mr. Justice M.B. Lokur	Delhi High High Court	Judge, Delhi High Court	Patron
3.	Shri Rakesh Mehta	Delhi Sectt. I.P.Estate, New Delhi	Chief Secretary Govt. of NCT of Delhi	President
4.	Shri M.L. Mehta	Delhi Sectt. I.P.Estate, New Delhi	Pr. Secretary (Law, Justice & LA) Govt. of NCT of Delhi	Vice President
5.	Shri P.K. Tripathi	Delhi Sectt. I.P.Estate, New Delhi	Pr. Secretary to Chief Minister Govt. of NCT of Delhi	Member
6.	Shri J.P. Singh	Delhi Sectt. I.P.Estate, New Delhi	Pr. Secretary (Finance) Govt. of NCT of Delhi	Member
7.	Shri G.S. Patnaik	Delhi Sectt. I.P.Estate, New Delhi	Pr. Secretary (Home) Govt. of NCT of Delhi	Member
8.	Shri G.P. Mittal	Tis Hazari	District & Sessions Judge, Delhi	Member
9.	Shri Rakesh Kapoor	Delhi High Court	Registrar General Delhi High Court	Member
10.	Shri Najmi Waziri	Delhi High Court	Standing Counsel of Delhi High Court	Member
11.	Dr. Ghanshyam Singh	Dwarka, New Delhi	Registrar, National Law School	Member




12. (Legal eminent person to be nominated by the Government)
13. (Representative to be nominated from the Financial Institution by the Government)
14. (Representative to be nominated from any Insurance Company by the Government)
15. (Active eminent Social representative to be nominated by the Government)



16. The Director of the Society shall be the Secretary of the Governing Council.

(2) Notwithstanding the vacation of office as Judge, Delhi High Court, Chief Secretary, GNCTD and Pr. Secretary (Law, Justice and LA), in the interest of continuity and initial development of the society, Hon'ble Mr. Justice M.B. Lokur, Sh. Rakesh Mehta and SH. M.L. Mehta shall continue to hold these positions as Patron, President and Vice President of the Governing Council respectively, at least, for a period of five years from the date of registration of the society and their successors-in-office shall be the additional members of the Governing Council:

Provided that the Governing Council may by resolution extend their terms of office for a further period of five years or such other period, as it may think fit in the interest of the society.

7. Membership Roll :

(a) The Society shall keep a roll of members of the Governing Council, stating there in his rank or occupation and address and every member shall sign the same. No person shall be deemed to be a member or be entitled to exercise the rights and privileges of a member unless he has signed the Membership Roll.

(b) If a member of the governing Council changes his address he shall: notify his new address in the roll of members; but if the member fails to notify his new address, the address in the roll of Members shall be deemed to be his correct address.

(c) The list of members will be sent to the Registrar of Societies Annually.

8. Meetings of the Governing Council : (1) The Governing Council shall ordinarily meet once in a year. The President of the Governing Council shall preside over the meetings of the Governing Council and in his/her absence, the Vice-President shall do so and if both are absent one of the members present shall preside over the meeting.

(2) The Director shall circulate a notice of the meeting of the Governing Council at least 15 days before the date fixed for such meeting indicating the date, time and place of the



meeting along with a statement of the nature of business contained in the agenda which is to be brought before the meeting is called for.

9. **Terms of Office of Members of the Governing Council :** (1) Subject to the provisions of sub-rule (2) of rule 6, unless the membership of the members of the Governing Council is terminated as provided under the Rules and subject to the provisions of these Rules, each member of the Governing Council, who by virtue of the office or appointment which he holds, shall be deemed to have relinquished his membership on the date when he ceases to hold that office or appointment and his successor in such office or appointment shall be deemed to have acquired the membership of the Governing Council.

(2) A member of the Governing Council shall cease to be a member on the happening of any of the following events:

- (a) If he resigns, becomes of unsound mind, becomes insolvent or is convicted of a criminal offence involving moral turpitude, or his employer refuses to grant him permission to serve the Governing Council or he goes abroad for a continuous period exceeding one year.
- (b) If he does not attend three consecutive meetings of the Governing Council, without prior permission of the chairperson.
- (c) Whenever, a member desires to resign from the membership of the Governing Council, he shall forward a letter containing his resignation addressed to the Secretary and his resignation shall take effect on its acceptance by the Chairman.
- (d) The members of the Governing Council shall not be entitled to any remuneration from the Society. The members of the Governing Council or any committee appointed by it may be paid by the Society such traveling allowances and honorarium as may be decided by the Governing Council from time to time.

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- (e) A person holding the membership of the Governing Council by virtue of an office held by him (ex-officio) shall attend the Governing Council meetings himself in person.
- (f) The Secretary shall attest the signatures of all the members of newly elected Governing Council and shall ensure that the said signatures of the outgoing Governing Council tally with the annual list as filed with the Registrar of Societies before 30 of the succeeding month in which elections were held.

10. **Vacancies among Members of the Governing Council.** - (1) Any vacancy in the Governing Council shall be ^{filled}by field either by appointment or nomination as the case may be by the respective authority or association entitled to make such appointment or nomination and shall be valid for the unexpired portion of the term of the member who has left.

(2) The Governing Council shall function, notwithstanding any vacancy in its body and notwithstanding any defect in the nomination of any of its members, and no act or proceedings of the Governing Council shall be invalidated merely by reason of the existence of a vacancy or vacancies in the body or of any defects in the nomination or appointment of any of the members.

11. **Functions and Powers of the Governing Council.** - The Governing Council shall be the principal authority of the Society, and shall have the power to review action of the Executive Council and the Director of the Society and shall exercise all powers of the Society not otherwise provided for by these Rules. It shall:

- a) Generally carry out and pursue the objectives of the Society and set in forth the Memorandum of Association;
- b) In particular and without prejudice to the generality of the foregoing provisions, it shall have the powers to :-
 - i. Consider the annual and supplementary budget reports placed before it by the Executive Council from time to time and pass them with such modification as it may think fit;
 - ii. Create and abolish posts;

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- iii. Appoint the members of the Executive Council and other committee of the Society;
- iv. To review from time to time, policies and plans and suggest measures for improvement and development of the Society.

12. Proceedings of the Governing Council :

- i) The meeting of the Governing Council shall be held at least once in a year .
- ii) In the first meeting of the Governing Council, every financial year, a report of the working of the Society during the previous year, together with a statement of receipts and expenditure, the balance sheet, as audited, and the financial estimate shall be presented.
- iii) Meetings of the Governing Council shall be called by the President, in his absence by the Director either on his own or at the request of not less than five members of the Governing Council.
- iv) The meeting of the Governing Council shall be presided over by the President and in his absence by the Vice-President or a member chosen from amongst themselves by members present, to provide for the occasion.
- v) Five members of the Governing Council present in person, shall constitute a quorum at any meeting of the Governing Council.
- vi) Not less than fifteen day's clear notice of every meeting of the Governing Council shall be given to each member of the Governing Council. The accidental omission to give notice to or the non-receipt of notice by any member shall not invalidate the proceedings at the meeting.
- vii) The decision of the Governing Council shall be taken by the majority of the members present and voting.
- viii) The President may himself call, or by a requisition in writing signed by him, may require the Secretary to call a meeting of the Governing Council at any time and on the receipt of such a requisition, the Secretary shall forthwith call such a meeting.

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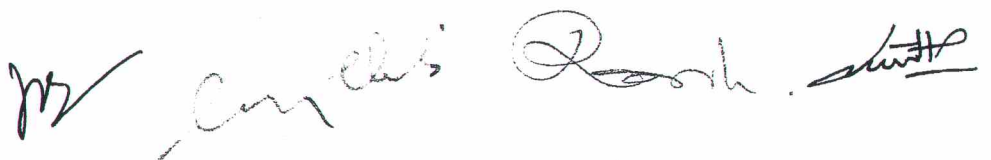
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- ix) Five members of the Governing Council may by a requisition in writing signed by them request the Secretary to call a meeting of the Governing Council and on the receipt of such a requisition, the Secretary shall call such a meeting within a period of one month in consultation with the Chairman.
- x) Each member of the Governing Council shall have one vote and, if there shall be an equality of votes on any question to be decided by the Governing Council, the President or the member presiding over the meeting shall have a casting vote.
- xi) Any business which may be necessary for the Governing Council to perform may be performed by a resolution in writing circulated among all its members and any such resolution so circulated and approved by a majority of the members by signing, shall be as effectual and binding as if such resolution had been passed at a meeting of the Governing Council provided that at least five members of the Governing Council have recorded their approval to the resolution, or if urgent action by the Governing Council becomes necessary, the President of the Governing Council may permit the business to be transacted by circulation of papers to the members of the Governing Council. The action proposed to be taken shall not be taken unless signed to by a majority of members of the Governing Council. The actions so taken shall be forthwith intimated to all the members of the Governing Council. The papers shall be placed before the next meeting of the Governing Council for confirmation.

13. Functions and powers of the President : (1) The President shall exercise such powers for the conduct of the business of the Society as may be delegated to him by the Governing Council.

(2) The President may in writing delegate such powers as are considered essential for the efficient running of the Society, to the Chairman of the Executive Council or the Director of the Society, as the case may be.

14. Executive Council. (1) The Executive Council shall consist of the following persons:-

The block contains four handwritten signatures in black ink, likely representing the members of the Executive Council. The signatures are written in a cursive, flowing style.

- 45
1. Pr. Secretary(Law, Justice & L.A.) - Chairman
 2. District & Sessions Judge, Delhi - Member
or his nominee
 3. Registrar General, Delhi High Court- Member
 4. Director, Delhi Judicial Academy - Member
 5. Member Secretary, Delhi Legal - Member
Services Authority
 6. Joint Secretary(Services) - Member
 7. Joint Secretary(Finance) - Member
 8. Commissioner of Police or his - Member
nominee
 9. One trained Mediator Trainer from- Member
Delhi Mediation Centre

(2) The Director shall be the Secretary of the Executive Council.

(3) Notwithstanding the vacation of office as Pr. Secretary (Law, Justice and LA), in the interest of continuity and initial development of the society, Sh. M.L. Mehta shall continue to hold the positions as Chairman of the Executive Council, at least, for a period of five years from the date of registration of the society and his successors-in-office shall be the additional members of the Executive Council:

Provided that the Governing Council may by resolution extend his terms of office for a further period of five years or such other period, as it may think fit in the interest of the society.

(4) Subject to provisions of sub-rule (3), except ex-officio members, all members of the Executive Council shall hold office for a term of five years and shall be eligible for reappointment for one more consecutive term.

(5) The Executive Council shall meet as often as necessary but not at least twice in a year. Not less than 15 days notice for a meeting of the Executive Council shall be required and a copy of the proceedings of each meeting shall be furnished to the President of the Governing Council by the Secretary as soon as possible after the meeting but prior to the commencement of the next meeting.



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(6) Each member of the Executive Council shall have one vote and decision at the meeting shall be taken by simple majority. The Chairman shall have a casting vote in case of tie.

(6) Every meeting of the Executive Council shall be presided over by the Chairman of the Executive Council and, in his absence by the senior most member present in the meeting.

15. Powers of the Executive Council. – The Executive Council shall be the principal executive body of the Society and shall exercise the following powers on behalf of the Society.

- (a) Appoint the Director of the Society and fix his remuneration and define the duties and terms and conditions of his employment;
- (b) To manage and administer the income and expenditure of the Society and to conduct administrative affairs of the Society;
- (c) To create administrative, legal, academic, teaching and training posts on the recommendation of the Director as per the norms and guidelines including pay scales and the age of superannuation;
- (d) To frame recruitment rules for appointment to all posts created in the Society;
- (e) To appoint Director and other officers and employees of the society;
- (f) To initiate and take disciplinary action and impose penalty on the employees of the Society.
- (g) To frame bye-laws to provide for the preparation and sanction of the Budget Estimates, Annual reports, Statement of Accounts, sanctioning of expenditure, making and execution of contracts, investment of funds and such other matters as may be necessary for the furtherance of the objectives of the Society and proper administration of the affairs of the Society.

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- (h) To demand and receive payments of fees and other charges fixed by the Society;
- (i) To appoint auditor of the ensuing year;
- (j) To appoint committees or sub-committees for such purposes as it may think fit for exercising and power or discharging any function of the Society or for inquiring into, reporting and advising upon, any matter of the Society
- (k) To open an account or accounts of the Society with any or more nationalized scheduled banks and to lay down procedure for operating the same.
- (l) To carry out the aims and objects of the society and consistent with the provisions of the objects/ clause of the society, to receive grants, donations, contributions, gifts, fees and other monies;
- (m) To maintain a fund to which shall be credited, -
 - 1. all monies provided by the Government or the Central Government or from any other source;
 - 2. all fees and other charges received by the Society;
 - 3. all monies received by the Society as grants, gifts, donations, benefactions, bequests or transfers;
- (n) to deposit all monies credited to the Fund in nationalized banks or to invest them as per rules bye-laws;
- (o) to maintain proper accounts and other relevant records and prepare the Annual Statement of Accounts including the Balance Sheet for every previous financial year, in such form as may be prescribed by rules/ bye-laws;
- (p) To delegate all or any of its powers to any committee or sub-committee constituted either by it or by the Governing Council or to any officer of the Society;
- (q) To exercise, without prejudice to the Memorandum of Association, all such powers as are considered necessary or delegated to it to further the objectives of the Society.

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16. **Director** - (1) The Executive Council shall appoint, either a Judge or a Lawyer, trained and experienced in ADR, as the Director -cum- Chief Co-ordinator of the Society. The Director shall be the Chief Executive officer of the Society and shall be directly concerned with the overall management of the Society and shall, accordingly, be taking such decisions as are required and be accountable directly to the Executive Council for all his actions.

(2) **Tenure of the Director:** The tenure of the Director shall be for a period of two years, the term could be renewed for further two years at a given time. The tenure of the first Director shall commence from the date of registration of the Society.

17. **Function and powers of the Director :** (1) The Director shall be the Chief-Executive Officer of the Society and would be responsible for the proper administration of the affairs and funds of the Society under the direction and guidance of the Executive Council. He shall be vested with such executive and administrative powers of the Society as may be necessary or incidental for the purpose, subject to these rules. The Director, shall subject to the provisions of these rules and decisions of the Governing Council and Executive Council, exercise general supervision and disciplinary control over the staff and officers of the Society and lay down their duties and functions.

(2) Subject to approval by the Chairman, the Director shall have the powers to fix, the pay, at the time of initial appointment of an incumbent, at higher stage than the minimum of the scale but not involving more than five increments in any case. In case where more than five Increments are proposed, the Director shall seek the approval of the Executive Council.

(3) The Director shall coordinate and exercise powers and general supervision over all the activities of the Society.

(4) The Director shall be the Secretary of the Society, Member Secretary of the Governing Council and the Executive Council.

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(5) All employees of the Society shall be under the administrative control of the Director. The Director shall allocate duties to the employees of the Society and shall exercise such supervision, control and discipline as may be necessary.

(7) The Director shall, -

(a) exercise such other powers and perform such other functions as may be prescribed by the Rules and Bye-laws or delegated by the Executive Council and the Governing Council;

(b) coordinate utilization of the facilities and infrastructure as per the rules and byelaws of the society;

(c) plan and promote the development of the infrastructure of the society;

(d) provide aid and advice to the Executive Council and the Governing Council.

18. **Funds of the Society:** (1) The funds of the Society will consist of the following:

(i) Grant-in-Aid provided by the Government of NCT of Delhi for establishing the Society to cover both the recurring expenses as well as the growth of the Society, to fulfill all the objectives envisages in the Memorandum of Association and bye-laws of the Society.

(ii) Grants received from Government of India.

(iii) Fees and other charges received from the parties.

(2) The income of the Society, howsoever derived, shall be utilized solely for promoting the objects of the Society as set forth in the Memorandum of Association;

(3) The accounts of the Society shall be kept in such forms as may be laid down by the Executive Council and shall conform to the Rules, if any, prescribed by the Government of NCT of Delhi.

(4) The accounts of the Society shall be open to examination and audit by the Auditor General of the Government of NCT of Delhi.

(5) Annual Reports and the Audit Reports shall be submitted to the Government within the prescribed period of the closure of the accounting year for the purpose being laid on the Table of the Legislative Assembly of Delhi.

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19. **Accounts and Audit :** The accounts of the Society shall be audited by accredited Chartered Accountants. The nature of audit to be applied and the detailed arrangements to be made in regard to the form of accounts and their maintenance and the presentation of the accounts for audit shall be prescribed by bye-laws to be framed by the Governing Council.

20. **Annual Report.** - An Annual Report of the proceedings of the Society and of all works undertaken during the year shall be prepared by the Director of the Society under the supervision of Governing Council. This report and the audited accounts of the society along with the auditor's reports there on shall be placed before the society at the General Meeting.

21. **Alteration of Rules.** - The Rules of the society may be altered at any time through the resolution of the Governing Council passed by a majority of the members and with the prior approval of the Government.

Upon a resolution passed by a majority, not less than 3/4th of the total members of the society can determine that the society shall be dissolved forth with or on such date as may be agreed upon and confirmed by 3/ 4th of the members present at the second special meeting.

22. **Terms and conditions of Service of the Staff of the Society.** - The recruitment rules and the rules for other terms and conditions of the officers and employees of the Society shall be formed in detail by the Executive Council:

Provided that, till such time the rules are framed by the Executive Council under this rule, the terms and conditions applicable in the Government Department, except the rules relating to payment of superannuation benefits, shall be applicable to the officers and employees of the Society.

23 **Tenure of appointment.** - Apart from the deputation from the Government, the appointment of all the officers and employees by the Society will be on a contract initially for a period of three years including a probationary period of one year which could be extended by one more year at the discretion of the Director. A review will be carried out at the end of three years to assess the suitability of candidate for regular



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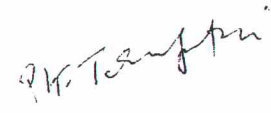
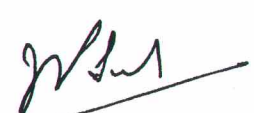
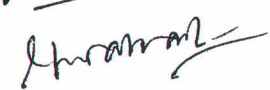
appointment thereafter or extensions of contract appointment in exceptional cases or termination of the contract, as the case may be.

24. **Termination of Appointment.** - The appointment shall be terminable on either side giving to the other party not less than three months notice in writing except during the period of probation when no such notice will be required.

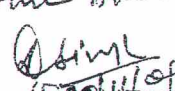
25. **Execution of Contracts:** All contracts relating to the management and administration of the society shall be expressed as made by the society and be executed by the Director.

26. **Suit by or against the Society.** -The Director shall initiate or defend any legal proceedings in the name of the society.

We, the following members of the Society certify that the above is the correct copy of the Rules of the Society:-

S.No.	Name & Address	Occupation	Signature/Attestation
1.	Shri Rakesh Mehta Delhi Secretariat	Chief Secretary, Govt. of NCT of Delhi	
2.	Shri M.L. Mehta Delhi Secretariat	Pr. Secretary (Law, Justice & L.A.), Govt. of NCT of Delhi	
3.	Shri P.K. Tripathi Delhi Secretariat	Pr. Secretary to Chief Minister, Govt. of NCT of Delhi	
4.	Shri J.P. Singh Delhi Secretariat	Pr. Secretary (Finance) Govt. of NCT of Delhi	
5.	Shri G.S. Patnaik Delhi Secretariat	Pr. Secretary (Home) Govt. of NCT of Delhi	
6.	Shri G.P. Mittal Tis Hazari	District & Sessions Judge Delhi	
7.	Shri Rakesh Kapoor Delhi High Court	Registrar General, Delhi High Court.	

Signature Attested


(RAJIV SINGH)
Sub-Divisional Magistrate
(Safdarjung)