

Bye-Laws
for
Regional Offices



The International Centre for
Alternative Dispute Resolution
New Delhi, India

The International Centre For Alternative Dispute Resolution

S-141, Panchsheel Park, New Delhi-110017

PATRON ⇒ **Chief Justice of India**

GOVERNING COUNCIL

(as on March 31, 1997)

CHAIRMAN ⇒ **Shri H. R. Bhardwaj - M. P.**

MEMBERS

- ⇒ Shri M. S. Ahluwalia - Finance Secretary
Ministry of Finance, Govt. of India
- ⇒ Shri Altaf Ahmad - Additional Solicitor General of India
- ⇒ Shri Anand Kumar - Deputy General Manger (North)
Peerless General Finance & Investment Co. Ltd.
- ⇒ Shri Milon K. Banerji - Senior Advocate
- ⇒ Shri A. K. Bansal - Advocate
- ⇒ Shri M. Chandrasekharan - Senior Advocate
- ⇒ Shri S. K. Chawla - Chief Engineer, CPWD
- ⇒ Shri J. B. Dadachanji - Senior Advocate
- ⇒ Shri CH. G. Krishnamurthy
Member, Law Commission of India
- ⇒ Shri F. S. Nariman - Senior Advocate
- ⇒ Shri K. Parasaran - Senior Advocate
- ⇒ Dr. P. C. Rao, Judge - The International Tribunal for the
Law of the Sea
- ⇒ Shri A. K. Rungta, Former President, FICCI
- ⇒ Shri B. S. Saluja, Member, Income Tax Appellate
Tribunal
- ⇒ Shri V. V. Singh - Legal Adviser (Conveyancing),
Ministry of Law, Govt. of India
- ⇒ Shri Sarvesh Chandra - Chairman, Foreign Exchange
Regulation Appellate Board
- ⇒ Shri D. C. Singhanian - Advocate
- ⇒ Dr. Abhishek Singhvi - Addl. Solicitor-General of India
- ⇒ Shri A. C. C. Unni, Judicial Member-Customs, Excise
and Gold Appellate Tribunal
- ⇒ Shri K. K. Venugopal - Senior Advocate
- ⇒ Shri V. Venkataramanaiah - Advocate-General, Andhra
Pradesh

SECRETARY ⇒ **Dr. O. P. Motiwal
Advocate**

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Resolution adopted by the Chief Ministers and the Chief Justices of States in a Conference held in New Delhi on 4th December 1993 under the Chairmanship of the then Prime Minister of India and presided over by the Chief Justice of India:-

"The Chief Ministers and Chief Justices were of the opinion that Courts were not in a position to bear the entire burden of justice system and that a number of disputes lent themselves to resolution by alternative modes such as arbitration, mediation and negotiation. They emphasized the desirability of disputants taking advantage of alternative dispute resolution which provided procedural flexibility, saved valuable time and money and avoided the stress of a conventional trial."

BYE-LAWS FOR REGIONAL OFFICES

1. SHORT TITLE

- (i) These Bye-laws may be called, "The International Centre for Alternative Dispute Resolution (ICADR) Bye-laws for Regional Offices".
- (ii) They shall come into force with effect from the date they are approved by the Governing Council.

2. PATRON

Every Regional Office shall have the Chief Justice of the High Court within whose jurisdiction the said Regional Office is located as its Patron.

3. ADVISORY COUNCIL

- (i) Every Regional Office shall have an Advisory Council to advise it on the conduct of its activities. It shall consist of the following Members;
 - (a) A sitting or retired Judge of the High Court within whose jurisdiction the Regional Office is located, nominated by the Patron of the Regional Office;
 - (b) A retired Judge of the local High Court nominated by the Chairman;
 - (c) The Advocate-General;
 - (d) The Law Secretary of the State;
 - (e) The Finance Secretary of the State;
 - (f) The Engineer-in-chief of the Public Works Department of the State;
 - (g) A professor of Law in a University of the State nominated by the Chairman of the ICADR;
 - (h) Not more than three persons from leading business houses and chambers of commerce in the State nominated by the Chairman of the ICADR;
 - (i) Not more than three persons from the State having experience and interest in the field of Alternative Dispute Resolution to be nominated by the Governing Council of the ICADR;

- (ii) The term of office of a nominated member shall be three years from the date of his nomination.
- (iii) The Advisory Council shall meet at least once in 3 months.

4. SUPERVISION OVER REGIONAL OFFICE

The Regional Office shall function under the overall control of the ICADR Headquarters. All correspondence meant for Headquarters, shall be addressed to the Secretary, ICADR Headquarters.

5. SECRETARY OF REGIONAL OFFICE

- (i) There shall be a Secretary of the Regional Office who shall be appointed in accordance with the Service Bye-laws of the ICADR.
- (ii) The Secretary of the Regional Office shall be known as "The Secretary, ICADR Regional Office".
- (iii) The salary and allowances and other terms and conditions of service of the Secretary of the Regional Office and other employees of the Regional Office shall be governed by the Service Bye-laws of the ICADR.
- (iv) Where the post of Secretary in a Regional Office is not filled or falls vacant for any reasons, whatsoever, Secretary ICADR Headquarters will make necessary arrangements to oversee the functions of the Regional Office Secretary.

6. BUDGET AND OTHER FINANCIAL MATTERS

- (i) The Secretary of the Regional Office shall prepare the annual budget proposals of the Regional Office and forward them to the Secretary, ICADR Headquarters not later than the 30th day of September of every year.
- (ii) The budget proposals of the Regional Office shall be processed in the same manner as the budget proposals of the Headquarters of the ICADR.
- (iii) The expenditure to be incurred by the Regional Office shall be within the Budget provision approved for a Regional Office. The Finance Committee of the

ICADR shall have, however, powers to make reappropriation and refix priorities within the approved budgeted amount of a Regional Office.

- (iv) Expenditure of an essential character not included in the approved budget of the Regional Office, shall be incurred by the Regional Office only with the prior approval of the Finance Committee of the ICADR, provided that the total expenditure incurred during the year does not exceed the total amount of the approved budget of the Regional Office.
- (v) The Secretary of the Regional Office, with the prior approval of the Secretary ICADR Headquarters, shall have power to sanction expenditure on items provided for in the approved Budget such as publications, library books, telephone charges, stationery, postage, office equipments, furniture, travelling and daily allowances within the amounts provided in the approved Budget. The incurrence of expenditure on the salaries, allowance and other emoluments and benefits of Regional Office staff would be in accordance with the terms and conditions of their appointment and within the approved Budget of the Regional Office.
- (vi) All funds made available to the Regional Office by various sources shall be received on behalf of the Regional Office by the Secretary of the Regional Office, or in the absence of the Secretary of the Regional Office, by the officer authorized by the ICADR Headquarters in this behalf and deposited by him in the appropriate bank account under intimation to the ICADR, Headquarters.

7. BANK ACCOUNTS OF REGIONAL OFFICES

- (i) A Separate bank account shall be opened in the name of the Regional Office in a local branch of a nationalized bank for handling day-to-day banking transactions of the Regional Office.
- (ii) Subject to the provisions of Bye-law 8 all funds made available to the Regional Office by the Headquarters, the State Government and by others shall be

deposited in the said account. All expenses of the Regional Office shall also be met from this account.

8. CORPUS FUND ACCOUNT OF REGIONAL OFFICE

A separate account shall be opened in a local branch of a nationalized bank. The said account shall be called "The ICADR Regional Office Corpus Fund Account" All funds made available to the Regional Office by the concerned State Government towards the corpus fund of the Regional Office shall be deposited in this account.

9. OPERATION OF BANK ACCOUNTS

- (i) The Bank account of a Regional Office shall be operated jointly by the Secretary of the ICADR, Headquarters and the Secretary of the Regional Office, or, in his absence by the officer authorize by the ICADR Headquarters. The cheque book relating to the Bank Account shall be kept at Headquarters at Delhi. As and when funds are required, cheques duly signed by the Secretary of the ICADR at Headquarters shall be sent to the Secretary of the Regional Office or the officer authorized by the ICADR Headquarters for encashment/making payment.
- (ii) The Finance Committee of the ICADR may authorize the Secretary of the Regional Office or the officer authorized by ICADR Headquarters and another local officer of the Regional Office to jointly operate the bank account of the Regional Office, for recouping the imprest money of Rs. 5,000/- (Rupees five thousand only) referred to in Bye-law 11.

10. INVESTMENTS BY REGIONAL OFFICES

All the funds of the Regional Office of the ICADR shall be invested in approved Government securities in accordance with the Financial Byelaws of the ICADR and with the prior approval of the ICADR Headquarters.

11. IMPREST MONEY

The Secretary of the Regional Office or the officer authorized by ICADR Headquarters shall have at his

disposal an imprest money of Rs. 5,000/- (Rupees five thousand only) for meeting expenditure of miscellaneous or contingent nature. He shall also have power to recoup the same from time-to-time in terms of Bye-law 9(ii), subject to the condition that the imprest money under his charge at any given time does not exceed Rs. 5,000/-

12. SUBMISSION OF FORTNIGHTLY STATEMENT OF RECEIPTS & EXPENDITURE

- (i) A fortnightly statement (from 1 to 15 and 16 to the last day of every month) of accounts shall be sent by the Secretary of the Regional Office or the officer authorized by the ICADR Headquarters to the Secretary of the ICADR at the Headquarters indicating the up-to-date position of receipts and expenditure.
- (ii) The Secretary of Regional Office or the officer authorized by ICADR, Headquarters shall send to the Secretary of the ICADR at the Headquarters details of expected expenditure for the following month by the 15th day of every month, along with the statement of accounts referred to in Bye-law 12(i). The Secretary of the Regional Office or the officer authorized by ICADR Headquarters shall make a realistic estimate of the expenditure for the following month so as to ensure that the cheques of proper amounts are issued from the Headquarters.
- (iii) Income generated at the Regional Office such as rental for the use of office/administrative/technical facilities, fees received in respect of ADR services rendered or any other income received by the Regional Office shall be deposited in the Account of the Regional Office without delay and under intimation to the Secretary, ICADR at the Headquarters.

13. MAINTENANCE OF ACCOUNTS OF REGIONAL OFFICES

- (1) Secretary of the Regional Office or, in his absence, the officer authorised by the ICADR Headquarters

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under Bye-law 5(iv) shall be responsible for the preparation, maintenance and custody of the books of accounts of the Regional Office. He shall be responsible for the proper maintenance of the accounts of the Regional Office and be generally responsible to the Finance Committee and the Governing Council in this respect.

- (ii) The accounts of the Regional Office shall be maintained, as far as possible, in the appropriate books of accounts which shall include, among others, the following :
 - (a) cash book and journal;
 - (b) register of grants received from Government and other sources;
 - (c) pay bill register;
 - (d) register of contingent expenditure;
 - (e) register of provident fund contributions;
 - (f) register of contributory provident fund account of the individual employees;
 - (g) register of securities and other capital investments;
 - (h) register of stock of furniture and other equipments;
 - (i) register of stock of stationery;
 - (j) register of stock of publications;
 - (k) register of stock of library;
 - (l) register of liabilities.
- (iii) All monetary transactions shall be entered in the cash book, as soon as they occur, and attested by either the Secretary or the officer authorized by ICADR Headquarters or by such officer of the Regional Office as may be authorized by the Secretary of the Regional Office.

14. PAYMENTS

All payments by the Regional Office shall be made on bills and other documents duly prepared and passed by the Secretary of the Regional Office or by the officer

authorised under Bye-law 5(iv). The paid vouchers shall be stamped "paid" or so cancelled that they cannot be used a second time. They should then be kept serially numbered and produced at the time of audit.

15. AUDIT OF ACCOUNTS

Accounts of the Regional Office shall be subject to audit in accordance with Bye-law 17 of the Financial Bye-laws of the ICADR and shall form part of the Accounts of the ICADR.

16. MAINTENANCE OF ACCOUNTS AT THE HEADQUARTERS

Separate accounts shall be maintained at the Headquarters of the ICADR in respect of each Regional Office.

17. SUBMISSION OF THE ANNUAL REPORT

Every Regional Office shall submit to the Secretary, ICADR Headquarters a report by not later than 31st May of the following year, on the activities of the Regional Office annually, which shall indicate, among other things:

- (a) Number of cases resolved by Centre during the year highlighting major achievements by the Regional Office during the year;
- (b) Training courses organized by the Regional Office during the Year;
- (c) Lectures, seminars, symposia and workshops organized by the Regional Office during the year;
- (d) Research Projects undertaken/completed during the year by the Regional Office;
- (e) Publications brought out by the Regional Office during the year: and,
- (f) Any other significant achievements of the Regional Office during the year.

18. RELAXATION OF BYE-LAWS IN SPECIAL CASES

The Governing Council/Finance Committee of the ICADR shall have power to relax the provisions of these Bye-laws in appropriate cases in the interest of work of any

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Regional Office. Every such relaxation made by the Finance committee shall be brought to the notice of Governing Council at its ensuing meeting.