**CENTRE FOR ALTERNATE DISPUTE RESOLUTION,**

**NATIONAL LAW UNIVERSITY DELHI**

***GOVERNING DOCUMENT***

**PREAMBLE**

*While upholding our commitment to efficient, efficacious and participatory access to justice,*

*To raise awareness of the importance of alternate dispute resolution;*

*To empower students, lawyers, citizens and governments to contribute effectively to ensure justice through development of alternate dispute resolution mechanism;*

*To create and promote academic research in the area of alternate dispute resolution practice;*

**1. INTERPRETATION**

“**Executive Council**” means the governing body of the Centre referred to in clause 4 of this Constitution.

“**Governing Council**” means the body comprising of the Executive Council and the Chairman as its Head.

“**Centre”** means the Centre for Alternate Dispute Resolution.

“**University**” means National Law University Delhi as constituted under the National Law University Act, 2007 (Delhi Act No. 1 of 2008).

“**Vice-Chancellor**” means the Vice-Chancellor of National Law University Delhi as appointed in accordance with the National Law University Act, 2007 (Delhi Act No. 1 of 2008).

“**Director**” means the person appointed pursuant to clause 4 of this Constitution.

“**General Body**” means the body of members pursuant to clause 6 of this Constitution.

*“***Affiliated Organization***”* means and includes an organization, institute, research centre or program with significant focus on the fields or broad areas of research similar to or beneficial for the objectives and operations of the Centre. The affiliation will be provided by the Chairman in consultation with the Director through an instrument such as Memorandum of Understanding.

**2. STATEMENT OF AIMS**

**2.1 The aims of the Centre are:**

*(1) To provide consultative services to people, NGO, lawyers, governments on the practice of alternate dispute resolution.*

*(2) To raise awareness on issues pertaining to alternate dispute resolution.*

*(3) To conduct seminars/conferences, workshops, debates/discussions, clinics, trainings, etc on alternate dispute resolution.*

*(4) Publication of journal, magazine, newsletter etc on alternate dispute resolution.*

*(5) To design and conduct courses - Certificate, Diploma and PG on alternate dispute resolution*

*(7) To stimulate and conduct academic research on issues of alternate dispute resolution.*

*(8) To liaise with institutions, professionals, NGOs, governments, Public Authorities for conducting research and undertaking projects regarding alternate dispute resolution.*

*(9) Any other assignment related to promotion of academic discourse on and practice in alternate dispute resolution.*

**3. STRUCTURE OF THE CENTRE**

3.1 The Vice-Chancellor shall be the Chairman of the Centre.

3.2. There shall be a Director of the Centre.

3.3. There shall be an Executive Council comprising of the Director and Executive Committee.

3.4. There shall be a general body comprising of the Executive Council and any such members as admitted by the executive council.

**4. EXECUTIVE COUNCIL**

4.1 There shall be an Executive Council comprising of the Director and the Executive Committee for the management of various functions of the Centre.

4.2. The Director will be the Chairperson of the Executive Council and will be accountable to the Chairman.

4.3 The Director shall be appointed by the Chairman. The Chairman, while appointing Director, shall take into consideration the specialization of faculty member and objectives of the Centre. A Full time faculty member shall only be appointed as Director.

Provided that, in no case shall the post of Director of the Center lay vacant for a period exceeding 60 days.

4.4. The Director, in case of contingency, may delegate any power, function or authority pertaining to the operation of the Centre to an appropriately qualified person or executive member.

4.5 The Executive Council shall be responsible for the overall financial and academic administration of the Centre and for the day to day activities of the Center in accordance with the legislation, policies and procedures of the University and the academic and research objectives of the University and the Centre.

4.6. The Executive Council must submit an annual report to Chairman on the operations of the Centre for the previous calendar year. The annual report must be submitted each year by the last week of February and will include a financial statement of funds received and expended.

**5. EXECUTIVE COMMITTEE:**

5.1. There shall be an Executive Committee of the Centre.

5.2. The members of the Executive Committee of the Centre shall be selected by the Director and a special committee constituted by Director.

Provided that the first executive committee of the Centre may be constituted by the Director by a procedure deemed to be fit.

5.3. Executive committee shall not have more than 10 members

5.4 The Executive Committee will assist the Director in:

(1) managing the day to day functioning and administration of the Centre;

(2) administering the funds available to the Centre;

(3) preparing the annual report of the Centre and other relevant reports;

(4) achieving the objectives of the Center.

**6. PUBLICATION COMMITTEE:**

6.1 There shall be a maximum of 10 members in the Publication Committee and the Director shall be the chairperson of the Publication Committee.

6.2 The interested members, with relevant experience, of the General Body shall apply for the membership of this Committee. The Executive Council shall then select members from such applications through a procedure they deem fit.

Provided that such procedure shall be notified within a reasonable time before any selection to the committee is made.

* 1. The functions of the Publication Committee are:

1. To bring out quality research publications in consultation with the Research Committee in furtherance of the objectives of the Centre.
2. To maintain a quality standard in any research material, academic or otherwise, produced or compiled by the Centre.
3. To carry out and publish CADR Journal of Dispute Resolution (also referred as “Journal”), which shall be the official Journal of the Centre, and maintaining quality standard of the Journal.
4. To assist and collaborate with other Committees of the Centre.
5. To perform any other function as decided in consultation with the Executive Council.
   1. There shall be a Publisher of the CADR Journal of Dispute Resolution.
6. The Director shall act as the Publisher of the CADR Journal of Dispute Resolution.
7. The details including but not limited to name, contact details, address proof of the Publisher, wherever required, shall be furnished of the Publisher, as determined by the Executive Council.

**7. GENERAL BODY:**

7.1 There shall be a General Body of members. The General body shall comprise of general members and members of the executive committee of the Centre with the Director as the chairperson.

**8. MEMBERSHIP**

8.1 Any person, by subscribing to the constitution of the Centre, can apply in writing to the Executive Committee to become part of the General Body. The Executive Council will decide on the application on basis of a procedure established prior to such decision.

Provided that the Executive Council must give reasons in writing in case it decides to reject any application.

**9. OBLIGATIONS OF THE MEMBERS OF THE CENTRE**

9.1 Every member of the Centre upon being admitted to membership of the Centre agrees to use his/her best endeavours:

(1) To comply with the terms of the Constitution of the Centre;

(2) To comply with the University’s rules, policies and procedures;

(3) To arrange, promote, co-ordinate and co-operate in programmes for research and otherwise in the Centre;

(4) To engage in joint programmes carried out by members of the Centre;

9.2 A member may be expelled or suspended by the Director, after consultation with the Executive Committee. The Director, if in its opinion, a member has engaged in conduct which is prejudicial to the activities of the Centre or is in breach of this Constitution, shall inquire into any misconduct involving a member, and may take appropriate disciplinary action against such member.

Provided that non-performance of any responsibility delegated to a member shall be deemed to be prejudicial to the activities of the Centre.

**10. Finances**

10.1. The mode of dealing with the finances and the use thereof is subject to policy created in accordance with the relevant legislation, policies and procedures of the University.

10.2. Notwithstanding the foregoing clause, each member of the Centre and the director will be accountable for any dealing in finances and funds that are received or diverted in relation to the centre. It shall be the duty of all the members and the director to maintain utmost transparency with regards to any financial activity.

**11. MEETINGS**

11.1. There will be at least one General Body Meeting every six months, excluding a mandatory meeting to discuss the Annual Report prior to its submission to the Chairman.

The Director and the executive committee in consultation with the director may call any such meeting of any such meeting as they deem fit for carrying out the objectives of the Centre.

**12. PROCEDURE FOR REMOVAL**

12.1. Removal of a member from the Executive Committee shall be effected by the director after providing reasons in writing to the General Body.

12.2. Removal of a member from any other committee shall be effected by the Executive Council after providing reasons in writing to the person so removed.

12.3. Removal of a member from the general body shall be effected by the Executive Council after providing reasons in writing to the person so removed.

**13. INTELLECTUAL PROPERTY**

13.1 Any intellectual property in material developed by the Centre will be owned by the University or as otherwise agreed to by the University in writing provided that nothing in this clause will affect the rights of staff or the University under the University’s legislation, policies or procedures relating to intellectual property.

13.2 Any assets acquired under the auspices of the Centre will vest in the University.

**14. AMENDMENTS TO CONSTITUTION**

Any amendment to this Constitution must be recommended by the Executive Council to the Chairman.

**15. CONTRACTS**

Members of the Centre have no authority to enter into contracts which purport to bind the University unless the member is authorised to so do and has complied with all relevant legislation, policies and procedures of the University.