



# **CONSTITUTION OF THE NATIONAL LAW UNIVERSITY ODISHA ADR BOARD**

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## **STATEMENT OF OBJECTS AND REASONS**

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The National Law University Odisha ADR Board has been established to foster awareness of the subject of Alternative Dispute Resolution and augment participation in any undertaking related to the subject. The ADR Board shall be a student-run body, facilitated by the faculty advisor(s), that seeks to function to the best of its ability in the completion of its endeavour. To consolidate the practices and undertakings of the ADR Board, the Board shall be governed in its conduct by this Constitution.

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## ARTICLE I: INTERPRETATION

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1. Unless the context requires otherwise, the following meanings shall be ascribed to the words, terms and phrases listed herein:
  - i. “3-year course” means the 3 year LL.B Programme offered by the University.
  - ii. “5-year course” means the BA. LL.B (Hons.) Programme and BBA. LL.B (Hons.) Programme offered by the University collectively.
  - iii. “Advisory Role” means a role in which the Member shall only make recommendations which are not binding upon the Board and shall be bound by all duties of Members provided in this Constitution.
  - iv. “Alternative Dispute Resolution” means any activity deemed so by the Board, including but not limited to negotiation, mediation, client-counselling, med-arb, conciliation, and matters connected therewith or incidental thereto.
  - v. “Board” means the Alternative Dispute Resolution Board of the National Law University Odisha and shall be officially referred to as the NLUO ADR Board.
  - vi. “Both Courses” means the 5-year course and the 3-year course collectively.
  - vii. “Constitution” means the constitution of the ADR Board.
  - viii. “Exceptional Circumstances” means any circumstance deemed to be deviating from the norm by the Board or Faculty Advisors.
  - ix. “Faculty Advisor” means a member of Faculty appointed by the University as an advisor for the Board.
  - x. “Members” means the members inducted into the Board by following the procedure laid down under this Constitution.
  - xi. “Post-Holders” means the Members serving in positions of responsibility of the Board appointed by the procedure laid down under this Constitution including the Convenor, Co-Convenors, Secretary, Treasurer and Mentors.
  - xii. “Students” means and includes a student enrolled in National Law University Odisha, Cuttack and may refer to a specific class of students as deemed by the Board.
  - xiii. “University” means the National Law University Odisha.
2. Unless the context requires otherwise, any other words, terms and phrases used herein shall be construed in light of their ordinary meaning.
3. In case of a conflict regarding the meaning of any words, terms and phrases used herein, the interpretation of the same shall be decided by the Board which shall be final.

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## **ARTICLE II: JURISDICTION**

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1. Whereas there shall be a Board constituted for carrying out undertakings relating to Alternative Dispute Resolution, it shall be the sole authority for regulating, managing and supervising any undertaking related to Alternative Dispute Resolution.
2. The Constitution shall apply to and govern any undertaking relating to Alternative Dispute Resolution and shall extend to the University, including but not limited to the Students, Board, Members, Post-Holders and Faculty Advisors.

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## **ARTICLE III: POWERS AND FUNCTIONS**

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1. The Board shall have the following powers:
  - i. The Board shall have the power to frame rules pertaining to any matters relating to Alternative Dispute Resolution for carrying out the provisions of this Constitution.
  - ii. The Board shall have the power to determine the mode, procedure, and selection of participation for any undertaking related to Alternative Dispute Resolution.
  - iii. The Board shall have the power to constitute and empower a Sub-Committee from amongst the Members for any purpose, as the Board may deem fit.
  - iv. The Board shall have the power to conduct disciplinary proceedings against any Student or Students for any contravention of the provisions of this Constitution or any rules enacted in pursuance of Clause 1(i).
  - v. The Board shall have the power to formulate the procedure and mechanism for redressal of any grievance raised by Students pertaining to any undertaking related to Alternative Dispute Resolution.
  - vi. The Board shall have the power to constitute any Subsidiary Body for any purpose, as the Board may deem fit.
  - vii. The Board shall have the power to constitute an Organizing Committee for the conduct of any undertaking related to Alternative Dispute Resolution, the membership of which shall be determined by the Board.
  - viii. The Board shall have the power to collaborate with other entities within or outside the University, in any manner, for any purpose as the Board may deem fit.
  - ix. The Board shall have the power to take any action in relation to any other matter,

not contained hereinbefore, pertaining to Alternative Dispute Resolution which is not explicitly covered in the aforementioned clauses.

2. The Board shall perform the following functions:

- i. The Board shall conduct, regulate, manage, and supervise inter-university and intra-university competitions pertaining to Alternative Dispute Resolution in the University including matters connected therewith or incidental thereto.
- ii. The Board or any Subsidiary Body duly constituted by it shall endeavour to organize seminars, workshops and other academic endeavours pertaining to Alternative Dispute Resolution.
- iii. The Board or any Subsidiary Body duly constituted by it shall endeavour to pursue research and awareness related to Alternative Dispute Resolution and its allied subjects.
- iv. The Board shall promote and augment the participation of students in events related to Alternative Dispute Resolution.
- v. The Board shall exercise discretion over the control and management of finances allocated by the University to the Board in accordance with the rules laid down by the University.
- vi. The Board shall be the sole point of contact in the University for communication with respect to undertakings pertaining to Alternative Dispute Resolution for entities within and outside the University.
- vii. The Board reserves the discretion to perform any other undertaking within the jurisdiction of the Board outlined in Article II Clause 1.

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#### **ARTICLE IV: MEMBERSHIP**

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1. Composition

- i. The Board shall consist of a Convenor, Co-Convenor(s), a Secretary, a Treasurer, the Members, Co-optes and the Mentor(s).
- ii. The Board shall be reconstituted on an annual basis unless in Exceptional Circumstances.
- iii. The Board or the Faculty Advisors shall notify the reconstitution of the Board to the University.
- iv. The Board shall induct a minimum of one member from each batch from Both

Courses, other than from the first and final years of Both Courses.

- v. The Board shall induct Co-opts from the first years of Both Courses during reconstitution or at any other point of time during the academic year.

## 2. Selection

- i. A Call for Applications shall be released to the Students by the Board or the Faculty Advisors for the purpose of identifying candidates for the reconstitution of the Board.
- ii. All candidates shall be required to submit a Curriculum Vitae and/or a Statement of Purpose.
- iii. There shall be a shortlisting and induction of candidates on the basis of a comprehensive evaluation of performance in personal interviews, the candidate's submissions, and factors including but not limited to volunteering experience, prior experience in the Board and experience in any undertaking related to Alternative Dispute Resolution.
- iv. The reconstitution of the Board shall be annually notified by the Faculty Advisors, after selection of members and appointment of Post-Holders.

## 3. Duties

- i. A Member or a Co-opt shall be in a fiduciary capacity vis-à-vis the Board.
- ii. A Member or a Co-opt shall maintain confidentiality of information privy to the Board deemed to be confidential unless explicitly authorised to share the same by the Board.
- iii. A Member or a Co-opt shall attend all meetings of the Board when required to be present at the same, unless there are legitimate grounds for non-attendance which are communicated to the Board prior to the meeting.
- iv. A Member or a Co-opt shall act responsibly and behave appropriately in the exercise of their duties as a Member of the Board.
- v. A Member or a Co-opt shall be bound to follow the provisions of this Constitution and rules enacted under the same.

## 4. Post-Holders

- i. The Post-Holders shall be appointed from amongst the Members of the Board by the Faculty Advisors in concurrence with the advice of the outgoing

Convenor. Their decision vis-à-vis appointment of post-holders and the numbers thereof (including but not limited to decisions under Clause 4(iv) and 4(vii)) shall be final.

- ii. The Post-Holders shall have been either Members or Co-opts of the Board in the year preceding to the year of reconstitution.
- iii. There shall be a Convenor who shall be a Student from the penultimate year of either of Both Courses.
- iv. There shall be a minimum of one Co-convenor and a maximum of two Co-Convenors who shall be Student(s) from the penultimate year of either of Both Courses.
- v. In the case where the Faculty Advisors and outgoing Convenor determine that a candidate is not suitably available from the penultimate year, the Convenor/Co-Convenor(s) may be a Student(s) from the final year of either of Both Courses or a Student from third year of the 5-year Course.
- vi. There shall be a Treasurer who shall be a Student from the third year of the 5-year Course or from the second year of the 3-year Course.
- vii. There shall be a Secretary who shall be a Student from the third year of the 5-year Course or from the second year of the 3-year Course.
- viii. There shall be at least one Mentor and a maximum of three Mentors from the final year of either of Both Courses.
- ix. No Member shall hold more than one position of responsibility in the Board.
- x. A Post-Holder may resign from their Post by writing to the Faculty Advisor and the Board, communicating their intent to do so and give reasons for the same. The Faculty Advisors may accept such resignation upon their discretion. Resignation from Post shall not entail resignation of membership.

## 5. Resignation

- i. A Member may resign from the Board by writing to the Faculty Advisor and the Board, communicating their intent to do so. The Faculty Advisors may accept such resignation upon their discretion.
- ii. A Member whose resignation from the Board is accepted shall continue to be bound by confidentiality regarding the disclosure of any information.

## 6. Disqualification



- i. A Member of the Board may be disqualified on the following grounds:
  - a. Breach of fiduciary duty towards the Board;
  - b. Breach of confidentiality of information privy to the Board deemed to be confidential;
  - c. Non-attendance for three consecutive meetings without communication of the grounds of non-attendance;
  - d. Misbehaviour of a kind which amounts to an impediment to the functioning of the Board;
  - e. Upon being found guilty by an appropriate disciplinary authority of the University of a misdemeanour clearly defined by the applicable University disciplinary rules;  
*Provided, where any preventive disciplinary action is taken against a Member by an appropriate disciplinary authority of the University, they may be temporarily suspended from dispensing the duties of a Member.*
  - f. Carrying out of any act that defames the Board;
  - g. Contravention of the provisions of this Constitution and rules enacted under the same.
- ii. The procedure for the disqualification of a Member is provided hereunder:
  - a. Any Member may communicate a request to the Faculty Advisors to initiate disqualification proceedings against any Member. Such communication shall contain information regarding the possible grounds of disqualification.
  - b. A disqualification proceeding may be initiated by the Faculty Advisor giving notice to the accused Member which shall include the grounds for disqualification and allow for a reasonable time period to the accused Member to show cause.
  - c. The Faculty Advisor may conduct a hearing in pursuance of the disqualification proceeding as per the rules enacted for the same under Article III Clause 1 and shall give a reasoned order of the verdict of the same.
  - d. Such order and verdict shall be binding.
- iii. The procedure of the removal of a Post-Holder is provided hereunder:
  - a. Any Post-Holder may communicate a request to the Faculty Advisors to

initiate proceedings for the removal of a Post-Holder from their position of responsibility on the grounds of improper exercise of power or dereliction of any duty as provided in Schedule A.

- b. A proceeding for removal shall be initiated by giving notice to the Post-Holder which shall include the grounds for removal and allow for a reasonable time period to the Post-Holder to show cause.
  - c. The Faculty Advisor shall conduct a hearing in pursuance of the disqualification proceeding as per the rules enacted for the same under Article III Clause 1 and shall give a reasoned order of the verdict of the same.
  - d. Such order and verdict shall be binding.
  - e. Provided that the removal of a Post-Holder from their position of responsibility shall not amount to disqualification from membership of the Board.
- iv. The procedure for the removal of a Co-Opt is provided hereunder:
- a. The Faculty Advisors shall have the discretion to remove Co-opts with the aid and advice of the Post-Holders where a Co-opt has been found to be have failed to discharge the duties of a Member.
  - b. Such removal shall be binding.  
*Provided that the Faculty Advisors shall provide adequate opportunity of being heard and give a reasoned order for removal of a Co-Opt.*
- v. Any Member or Co-Opt may communicate a request to the Faculty Advisors to initiate disqualification proceedings against any Member/Co-Opt in case of misdemeanour or misbehaviour against the Member/Co-Opt so communicating.
- a. Such communication shall contain information regarding the possible grounds of disqualification.
  - b. A disqualification proceeding may be initiated by the Faculty Advisor giving notice to the accused Member/Co-Opt which shall include the grounds for disqualification and allow for a reasonable time period to the accused Member/Co-Opt to show cause.
  - c. The Faculty Advisor may conduct a hearing in pursuance of the disqualification proceeding as per the rules enacted for the same under

Article III Clause 1 and shall give a reasoned order of the verdict of the same.

d. Such order and verdict shall be binding.

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## ARTICLE V: RULES

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1. The Board shall frame and enact Rules for matters including, but not related to, the conduct of disciplinary proceedings, grievance redressal, conduct of events and allotment of competitions.
2. Any Rules shall be introduced in a general meeting by the Convenor.
3. The Rules shall be passed upon receiving assent of a simple majority<sup>1</sup> of the effective strength<sup>2</sup> of the Board.
4. The Rules shall be enacted on receiving concurrence of the Faculty Advisors.
5. Any Rules enacted under Article V Clause 1 shall be binding and extend to the University, including but not limited to the Students, Board, Members, Post-Holders and Faculty Advisors.
6. Any Rules framed under Article V Clause 1 shall not contravene any provision of this Constitution. In case of any dispute between any rule and a provision of the Constitution, the provision of the Constitution shall prevail.
7. In case of a conflict regarding the meaning of any rule, the interpretation of the same shall be decided by the Board which shall be final.
8. Rules enacted as under Article V Clause 1 shall be amended as provided hereunder:
  - i. Any amendment shall be introduced by the Convenor in a general meeting of the Board.
  - ii. An amendment to a rule shall be voted upon by the Board.
  - iii. An amendment to a rule shall be passed upon receiving assent of a simple majority of the effective strength of the Board.
  - iv. Such amendment shall be enacted on receiving concurrence of the Faculty Advisors.

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<sup>1</sup> Simple majority means more than fifty per cent of the effective strength of the Board.

<sup>2</sup> Effective strength refers to the total strength of the Board calculated by accounting for disqualifications and resignations.

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## ARTICLE VI: MEETINGS

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1. The Board shall convene a general meeting at least once in every month when the University is in session.
2. The quorum for a general meeting shall be two-thirds of the effective strength of the Board.
3. The Convenor shall have the right to call a general meeting or any other meeting for any purpose that they may deem fit.
4. The Board may convene meetings for any other purpose, in which the participation of Members as required shall be determined by the Convenor.
5. A Post-Holder of the Board may request for a meeting by communicating a request to such effect to the Convenor. The Convenor shall decide on the request by giving reason for the decision made.
6. The minutes of the meeting shall be taken by the Secretary or any other Member authorised to do so by the Secretary.
7. A member shall be permitted to exercise their vote in a meeting through proxy, provided that prior information is conveyed regarding the member through which such proxy is to be exercised.

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## ARTICLE VII: AMENDMENT

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1. Any provisions of the Constitution shall be amended as provided hereunder:
  - i. Any amendment shall be introduced by the Convenor in a general meeting of the Board.
  - ii. An amendment to a provision shall be voted upon by the Board.
  - iii. An amendment to a provision shall be passed upon receiving assent of a super majority<sup>3</sup> of the effective strength of the Board.
  - iv. Such amendment shall be enacted on receiving concurrence of the Faculty Advisors.
2. Any Schedule of the Constitution shall be amended as provided hereunder:
  - i. Any amendment shall be introduced by the Convenor in a general meeting of the Board.
  - ii. An amendment to a Schedule shall be voted upon by the Board.
  - iii. An amendment to a Schedule shall be enacted on receiving assent of a simple

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<sup>3</sup> Super majority means more than two-thirds of the effective strength of the Board.

majority of the effective strength of the Board.

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### **ARTICLE VIII: SEVERABILITY**

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1. Even if any provision of this Constitution is found illegal, unlawful or invalid by an appropriate authority of the University, it shall not affect the validity and enforceability of the other provisions of the Constitution.

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## **SCHEDULE A**

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### **DUTIES AND POWERS OF POST-HOLDERS**

1. The Mentors shall have an Advisory Role towards the Board.
2. The Convenor shall be responsible for the overall functioning of the Board. The Convenor shall have the authority to convene general and other meetings of the Board. The Convenor's decision shall be final with regards to decisions taken in pursuance of the functioning of the Board.
3. The Co-Convenors shall assist the Convenor in the discharge of their duties. The specific domain and role of each Co-Convenor shall be decided by the Convenor in consultation with the Post-Holders.
4. The Secretary shall be responsible for managing and coordinating the communications of the Board with all entities. The Secretary shall be responsible for maintaining the minutes of the meetings of the Board.
5. The Treasurer shall be responsible for the finances and accounts including but not restricted to costs and expenditures incurred by the Board in the course of the events conducted by it in an academic year. They shall be the signatory of financial claims including but not restricted to reimbursement and account statements.
6. In the absence of the Convenor, the duties and powers of the Convenor shall be exercised by the Co-Convenor(s), Secretary, Treasurer or the senior most member, in the given order.