

Institute of Advanced Research

Statutes of the University

Institute of Advanced Research,
A project of
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Statutes of the University

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Preamble

The University is constituted by the Gujarat Private Universities Act, 2009 as amended by the Gujarat Private Universities (Amendment) Act, 2011. The Act lays down the object of and a basic constitutional structure for the University and provides for the making of Statutes, Ordinances and Regulations. The Act, together with the Statutes and the Ordinances make up the constitution of the University.

The Statutes of the University should be read and are intended to operate in conjunction with the Act. The reader should bear in mind that the Statutes do not seek to repeat what is in the Act because to do so is neither necessary nor desirable.

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1 Definitions and interpretation

- 1.1 In these Statutes:-
- 1.1.1 “Act” means the Gujarat Private Universities Act, 2009 as amended by the Gujarat Private Universities (Amendment) Act, 2011;
 - 1.1.2 “Authority” means each of the Authorities mentioned in sub-section 2.7;
 - 1.1.3 “Department” means a teaching or research department of the University (the name of which may include the word Department but which may describe the Department in some other appropriate way);
 - 1.1.4 “Faculty” means a Faculty of the University consisting of one or more Departments;
 - 1.1.5 “Ordinances” means Ordinances made pursuant to the Act or to Statutes;
 - 1.1.6 “Principal Officer” means each of the Principal Officers mentioned in sub-section 2.8;
 - 1.1.7 “Regulations” means regulations made pursuant to the Act, Statutes or to Ordinances;
 - 1.1.8 “Sponsoring Body” means The Puri Foundation for Education in India;
 - 1.1.9 “Staff” means all employees of the University, academic and non-academic;
 - 1.1.10 “Statutes” means the Statutes of the University;
 - 1.1.11 “Student” means any student registered as such with University for the time being;
 - 1.1.12 “University” means the Institute of Advanced Research.
- 1.2 Footnotes are for information only and do not form part of the Statutes.
- 1.3 References to sections or sub-sections are, except where the context otherwise requires, to sections or sub-sections of the Statutes.
- 1.4 Words importing the masculine include the feminine and, unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.

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2 The Constitution of the University

- 2.1 The University is a private university established by the Act and by virtue of the Act it is a corporate body bearing the name Institute of Advanced Research.
- 2.2 The objects of the University are set out in the Act¹ which also sets out the powers and functions of the University².
- 2.3 The constitution of the University is made up of the Act, the Statutes and the Ordinances.
- 2.4 The Statutes shall not have effect or be interpreted so as to conflict with the Act and the Ordinances shall not have effect or be interpreted so as to conflict with either the Act or the Statutes.
- 2.5 Regulations, whether made under the Statutes or the Ordinances, shall not have effect so as to conflict with the Act, the Statutes or the Ordinances.
- 2.6 Any power given to an Authority of the University to make Regulations includes a power exercisable from time to time to alter or revoke Regulations which it has made but the exercise of that power shall be subject to the same conditions as are applicable to the power to make Regulations.
- 2.7 The Authorities of the University are:
 - 2.7.1 The Governing Body;
 - 2.7.2 The Board of Management;
 - 2.7.3 The Academic Council.
- 2.8 The Principal Officers of the University are:-
 - 2.8.1 The President;
 - 2.8.2 The Provost;
 - 2.8.3 The Registrar;
 - 2.8.4 The Chief Finance and Accounts Officer;
 - 2.8.5 The Controller of Examinations.
- 2.9 If at any time a Principal Officer of the University is for a period of more than 28 days absent from the University or incapable of performing or unwilling to perform his duties or any of them then the Sponsoring Body may appoint a person to act in his place with all the powers of that Principal Officer for as long as that situation shall last.

¹ See section 4 and all other relevant provisions of the Act.

² See section 5 and all other relevant provisions of the Act.

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- 2.10 No power, whether conferred by the Act or by any other instrument, to make or amend the Statutes or the Ordinances shall be exercised without prior the written approval of the Sponsoring Body.
- 2.11 No Regulations made pursuant to the Act, the Statutes or the Ordinances shall take effect until they have been approved by the Board of Management.

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3 The Governing Body

- 3.1 The membership of the Governing Body shall be as set out in section 20 of the Act. No power of the Governing Body to appoint any person to be a member of the Governing Body without the prior written approval of the Sponsoring Body.
- 3.2 The Governing Body shall have the following powers and functions in addition to those conferred by the Act³:-
- 3.2.1 To govern, manage and regulate the finances, accounts, investments, property business and all affairs whatsoever of the University and for that purpose appoint such persons as it deems expedient;
 - 3.2.2 To exercise all the powers and perform the functions set out in the Act except where under the Act or the Statutes that power is expressly given or function allocated to any other Authority of the University;
 - 3.2.3 To review action taken and decisions made by officers and employees of the University and if it thinks fit to direct them in the performance of their respective actions;
 - 3.2.4 To formulate and review accounting policies and procedures;
 - 3.2.5 To formulate and review business and development plans for the University including plans for the development of academic departments and centres of the University;
 - 3.2.6 To promote high levels of research and teaching in the University;
 - 3.2.7 To make Regulations in respect of any matters within the ambit of the authority of the Governing Body;
 - 3.2.8 To determine the manner and terms of appointment of the President, the Provost, the Registrar and the Chief Finance and Accounts Officer and of all other employees of the University;
 - 3.2.9 To receive and consider reports and recommendations from the Board of Management and the Academic Council;
 - 3.2.10 To award honorary degrees;
 - 3.2.11 To adopt a Common Seal for the use of the University.
- 3.3 Subject to the provisions of the Act, the Statutes and any other provision preventing delegation, the Governing Body may delegate all or any of its functions, powers and duties to any person or body on such terms and subject to such restrictions as it may think fit and may revoke any such delegation at any time.

³ See section 20 and elsewhere.

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- 3.4 In particular the Governing Body may delegate to the Academic Council such of its powers and functions relating to the planning, co-ordination, development and supervision of the academic work of the University, or other powers and functions as it sees fit.
- 3.5 Subject to the availability of suitable equipment, up to three members of the Governing Body at a time may attend meetings of the Governing Body by video conferencing or telephonically. Such members shall count in the quorum. A member wishing to attend in this manner shall notify the Registrar in writing not more than 14 nor less than 7 days before the meeting. If more than three members shall serve such notice, priority shall be given to members in the order in which they gave notice to the Registrar.
- 3.6 Meetings of the Governing Body shall be convened on the direction of either the Sponsoring Body or the President and not otherwise. Written notice of meetings shall be sent to all members at their respective addresses and except in emergency not less than 7 days' notice shall be given. Where it is impracticable to notify a member or where a member is not notified by accident the meeting may still take place.
- 3.7 The quorum for meetings of the Governing Body shall be four.

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4 The Board of Management

- 4.1 The membership of the Governing Body shall be as set out in section 21 of the Act.
- 4.2 The Board of Management shall have the following functions and powers in addition to those conferred by the Act ⁴:
 - 4.2.1 To exercise such of the powers and functions of the Governing Body as the Governing Body shall delegate to it from time to time;
 - 4.2.2 To review all the affairs of the University including (without limit) its development, its performance, the extent to which it is meeting and can further its objectives, staffing, academic issues, administrative and other systems and also its finances, accounts, investments, property and business and to report thereon and make recommendations to the Governing Body.
- 4.3 The quorum for meetings of the Board of Management shall be four.

⁴ The Act does not contain a list of the powers and functions of the Board of Management but does contain a number of references to it. See for example sections 15(1) and (3), 27(2), 28(2), 29(1), 30 and 38.

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5 The Academic Council

- 5.1 The members of the Academic Council shall be:
- 5.1.1 The Provost;
 - 5.1.2 The Registrar;
 - 5.1.3 The Chief Finance and Accounts Officer;
 - 5.1.4 The Controller of Examinations;
 - 5.1.5 Each dean or director of the constituent schools, departments and centres of the University;
 - 5.1.6 One member of the academic staff of non-professorial rank from each of the constituent schools, departments and centres of the University, subject to a maximum of three, who shall be appointed by the Governing Body,
 - 5.1.7 One representative from industry appointed by the Provost;
 - 5.1.8 Three persons appointed by the Sponsoring Body.
 - 5.1.9 Three representatives of educational establishments appointed by the Board of Management.
 - 5.1.10 Any other co-opted member, guest invitee, who can contribute to the academic quality of the University.
- 5.2 With the exception of those who are members by virtue of their office, members of the Academic Council shall hold office for two years but shall be eligible for re-appointment.
- 5.3 The Registrar, the Chief Finance and Accounts Officer and the Controller of Examinations shall have no vote at any meeting of the Academic Council.
- 5.4 The Academic Council shall have the following powers and functions in addition to those conferred by the Act ⁵:
- 5.4.1 To review the academic affairs of the University and to report thereon and make recommendations to the Board of Management and the Governing Body;
 - 5.4.2 To make Ordinances relating to courses of study, examinations and other academic matters and submit them to the Board of Management for approval by the Board of Management and the State Government;
 - 5.4.3 To make Regulations necessary to give effect to Ordinances and submit them to the Board of Management for approval;

⁵ See section 22(3).

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- 5.4.4 To exercise all powers and functions delegated to it by the Governing Body or the Board of Management from time to time;
 - 5.4.5 To discuss and declare an opinion on any matter whatsoever relating to the University;
 - 5.4.6 To award degrees (other than honorary degrees) diplomas and certificates;
 - 5.4.7 To make recommendations to the Board of Management and the Governing Body for the award of honorary degrees.
- 5.5 The quorum for meetings of the Academic Council shall be six.

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6 The President and the Provost

- 6.1 The President shall be appointed and shall hold office in accordance with the Act⁶ and shall have the powers and functions given to him by the Act and any additional powers and functions specified in the Statutes or the Ordinances.
- 6.2 The Provost shall be appointed and shall hold office in accordance with the Act⁷ and shall have the powers and functions given to him by the Act and any additional powers and functions specified in the Statutes or the Ordinances.
- 6.3 The Act provides⁸ that each of the President and the Provost shall hold office for a period of three years. In respect of each when any such period comes to an end in relation to him, he shall be eligible for re-appointment.

⁶ See section 14.

⁷ See section 15.

⁸ See sections 14 and 15 respectively.

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7 The Registrar, the Chief Finance and Accounts Officer and the Controller of Examinations

- 7.1 The Registrar shall be the senior administrative officer of the University. He shall be appointed in accordance with the Act⁹. He shall have the powers and functions given to him by the Act and any additional powers and functions specified in the Statutes or the Ordinances.
- 7.2 In appointing the Registrar pursuant to the Act the chairperson of the Sponsoring Body shall consult with the Board of Management but shall not be bound to follow the views which it may express.
- 7.3 The Chief Finance and Accounts Officer shall be the senior financial and accounting officer of the University. He shall be appointed in accordance with the Act¹⁰. He shall have the powers and functions given to him by the Act and any additional powers and functions specified in the Statutes or the Ordinances.
- 7.4 The Controller of Examinations shall be appointed by the President. He shall be responsible for organising examinations and moderating the standards required for the award of degrees. He shall have such other powers and functions as are specified in the Statutes or the Ordinances.
- 7.5 With a view to guaranteeing his independence the Controller of Examinations shall hold no other post within the University.
- 7.6 In appointing the Chief Finance and Accounts Officer and the Controller of Examinations the President:-
- 7.6.1 Shall consult with the Board of Management but shall not be bound to follow the views which it may express;
- 7.6.2 Shall not make an appointment without the prior written consent of the chairperson of the Sponsoring Body.
- 7.7¹¹The Chief Finance and Accounts Officer and the Controller of Examinations may be permitted to attend and address meetings of the Governing Body and the Board of Management but they shall not be a member of either. Accordingly they shall have no vote at such meetings nor count in any quorum.

⁹ See section 16.

¹⁰ See section 17.

¹¹ Note that by virtue of section 16(3) the Registrar is the Member-Secretary of the Governing Body, the Board of Management and the Academic Council but does not have the right to vote. By section 5.1 of the Statutes they are also members of the Academic Council.

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8 Faculties and Departments of the University

- 8.1 The Governing Body shall make provision for the University to be organised into Faculties and, where it considers it appropriate, for Faculties to be organised into Institutes, Schools or Departments.
- 8.2 The Governing Body shall have power from time to time to create new Faculties, Institutes, Schools and Departments, to merge and abolish them and to organise and re-organise the faculty and departmental structure of the University as it deems appropriate. Where a Department is abolished, adequate provision shall be made for the Students in the Department to finish their courses of study before the closure takes effect.
- 8.3 Before exercising its powers under this Section the Governing Body shall consult the Academic Council and the Academic Council shall be entitled at any time to make suggestions or recommendations to the Governing Body for the exercise of such powers.
- 8.4 The first Faculties, Institutes, Schools and Departments shall be:-
 - 8.4.1 Faculty of Sciences
 - 8.4.1.1 School of Biological Sciences and Biotechnology

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9 Committees

- 9.1 Each Authority of the University has power under the Act ¹² to constitute such committees with such terms of reference as may be necessary for the specific tasks to be performed.
- 9.2 Each faculty and department shall have power to constitute faculty or departmental committees to deal with those of its functions as shall be allocated to such committees.
- 9.3 An Authority, faculty or department creating a committee shall have power:-
- 9.3.1 To prescribe its constitution, functions and duties and the means by which members of the committee are appointed and may be removed;
 - 9.3.2 To delegate to the committee such of its functions and powers as it shall see fit and to prescribe conditions under which those powers and functions may be exercised and limits to their exercise;
 - 9.3.3 To vary any of the above matters from time to time;
 - 9.3.4 To abolish the committee.

¹² See section 25.

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10 Staff

- 10.1 The Governing Body may appoint Staff and prescribe their powers, duties and terms of employment.
- 10.2 Teaching Staff and those employed in research shall, while so engaged, have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their employment or privileges.
- 10.3 The Governing Body shall formulate and make available procedures which comply with the law and good employment practice (which shall include appropriate provisions for equality and diversity) for:
 - 10.3.1 The recruitment and appointment of Staff;
 - 10.3.2 A code of discipline for Staff;
 - 10.3.3 The handling of grievances;
 - 10.3.4 The termination of contracts of employment for redundancy;
 - 10.3.5 The appointment of disciplinary panels from time to time when such a panel is needed in order to consider allegations of breach of discipline and, in respect of any allegation which the panel finds proved, the sanction to be imposed;
 - 10.3.6 The dismissal of Staff on disciplinary grounds;
 - 10.3.7 The imposition of other sanctions for breach of discipline which may include fines and temporary suspension;
 - 10.3.8 Appeals against termination for redundancy and against any disciplinary decisions.
- 10.4 In determining such procedures the Governing Body shall apply the guiding principle laid down in section 10.2, principles of ordinary fairness and justice and also the principle that it is the function of the University to provide education and promote research both effectively and economically.

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11 Students

- 11.1 The Governing Body shall make provision for:-
 - 11.1.1 The registration of persons as Students of the University including the issue of appropriate means of identification of Students;
 - 11.1.2 The payment of tuition, accommodation and other fees by Students;
 - 11.1.3 The consideration of formal grievances raised by Students.
- 11.2 The Governing Body shall make provision for:
 - 11.2.1 A code of discipline for Students;
 - 11.2.2 The appointment of disciplinary panels from time to time when such a panel is needed in order to consider allegations of breach of discipline and, in respect of any allegation which the panel finds proved, the sanction to be imposed;
 - 11.2.3 Appeals against any disciplinary decision.
- 11.3 The sanctions which may be imposed for breach of discipline by a disciplinary panel shall include:-
 - 11.3.1 The imposition of fines;
 - 11.3.2 Suspension from the University for a period;
 - 11.3.3 Expulsion from the University.
- 11.4 A disciplinary panel shall have power to impose a suspended sentence, i.e. a sentence which will not take effect after the expiry of a period of suspension specified by the panel unless during that period the Student commits another breach of discipline. However if a Student is found to have committed a breach of discipline during the period of suspension then the disciplinary panel making that finding may at its discretion order that the suspended sentence shall take effect, although it may reduce and fine or period of suspension. This power may be exercised notwithstanding that the finding is made after the expiry of the period of suspension.
- 11.5 The Provost (or in his absence the President or the Registrar) may summarily (and in an emergency without giving the Student an opportunity of being heard) :-
 - 11.5.1 Suspend a Student from the University;
 - 11.5.2 Exclude the Student from any lecture, class or seminar and from any teaching or other activity at or organised by the University;
 - 11.5.3 Exclude the Student from all or part of the premises and grounds of the University.

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- 11.6 Any suspension shall be reported to the chairman (or in his absence a member) of the disciplinary committee as soon as practicable with a view to the matter being considered by the committee. The committee shall have power to continue the suspension or exclusion until the matter can be formally considered.
- 11.7 Staff of the University and others authorised for that purpose shall have authority to check disorderly conduct of Students or any breach of the code of discipline within the precincts of the University or on any activity organised by the University.
- 11.8 In the event of such conduct or breach taking place in any lecture, class or seminar or in the course of any teaching of other activity at or organised by the University, a member of Staff may require the Student to withdraw from that teaching or other activity for the day.