

**RULES & BYE-LAWS OF INSTITUTE OF HOTEL MANAGEMENT,
CATERING TECHNOLOGY & APPLIED NUTRITION (PATNA-
HAJIPUR) SOCIETY**

Definition 1. In these rules:

- a) 'Society' means the Institute of Hotel Management Catering Technology & Applied Nutrition (Patna - Hajipur)Society ;
- b) 'Institute ' means the Institute of Hotel Management Catering, Technology & Applied Nutrition , Patna - Hajipur;
- c) 'Central Government' means the Government of India in the Ministry of Tourism (H R D Division)or if there be no such Department , the Department /Ministry which is for the time being, in charge of the functions now performed by the Department of Tourism, whether in addition to other functions or otherwise ;
- d) 'State Government' means the Government of Bihar
- e) 'Chairman' means , except where the context otherwise requires ; the Chairman of the Society ;
- f) 'Principal' means the Principal of the Institute of Hotel Management , Catering Technology & Applied Nutrition, Hajipur.
- g) Act means Society Registration Act –1860.

Membership: 2. I. The Society shall have and consist of the following members:-

- a) A Chairman nominated by the Central government.
- b) Additional Director General (T), MoT, GoI.
- c) Three representatives of the State/Union Territory Govts., one being the Director of Tourism and Culture of the State/Union Territory, Ex-Officio or if there is no such person the office who is for the time being, the administrative head of the Department , who is in-charge of Tourism whether in addition to other functions or otherwise;

- d) Three representative of the Central Government, one of them being Financial Advisor to the Ministry of Tourism or his nominee;
- e) An expert on catering Technology to be nominated by the Central Government
- f) Two expert from Hotel Industry to be nominated by the Central Government.
- g) The Principal of the Institute as Member Secretary.

2.II The Board of Governors may at any time co-opt any other person as a member of the Society, and the member so co-opted shall have all the rights and privileges of a member of the Society.

3. **Roll of the Members:** The Society shall keep a roll of members and every member of the Society shall sign the roll and state therein his name, designation occupation and address. No person shall be deemed to be a member or be entitled to exercise any of the rights and privileges of a member unless he has signed the roll as aforesaid.

- 4. If a member of the Society shall change his address, he shall notify his new address, the address in the roll of members shall be deemed to be his address.
- 5. Should any member of the Society (other than the Chairman, the expert on catering technology nominated by the Central Govt. and the Principal, Institute of Hotel Management (Hajipur) be prevented from attending a meeting of the Society, he shall be liberty to appoint and authorise any representative to represent him at that meeting of the Society and such representative shall have all the rights and privileges of members of the Society including the right to vote for that meeting.

6 Tenure of members: I) When a person becomes member of the Society by reason of the office he holds, his membership shall terminate when he ceases to hold that office.

ii) A member of the Society representing the Central Govt. or the State Government shall continue to be a member during the pleasure of the Central Government or the State Government as the case may be.

iii) The member of the Society representative the Hotel and Restaurant Association of Bihar Region shall cease to be member of the Society as soon as he is removed from the membership of the Society by the State Government upon a request to that effect being made by the said Association.

iv) Every member (including the Chairman) not covered by Sub-rules (i) and (ii) of this rules shall cease to be a member on the expiry of three years from the date of his appointment or nomination but shall be eligible for re-appointment or re-nomination, as the case may be.

7.(i) Cessation of Membership : A member of the Society shall cease to be a member of the Society, if he/she shall die, resign, become of unsound mind, be adjudged or adjudicated or adjudicated an insolvent, or be convicted of a criminal offence involving moral turpitude, or if he/she is removed from the membership of the Society, or if he/she (other than the Principal) accepts a full-time appointment in the Institute, or if he does not attend three consecutive meetings of the Society without leave of the Chairman.

7.(ii) Resignation: The Chairman may resign his office by a letter addressed to the Central Government and his resignation shall take effect from the date it is accepted by the Central Government.

(iii) A member may resign office by a letter addressed to the Chairman and such resignation shall take effect from the date of it is accepted by the Chairman.

8. Vacancies: Any vacancy in the Society shall be filled by either appointment or nomination by the respective authority entitled to make such appointment or nomination and the term of office of a member appointed or nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been appointed or nominated.

9. Vacancies & Validation of Acts by the members: The Society shall function, notwithstanding any vacancy therein and notwithstanding defect in the appointment or nomination of any of its members; and so act or proceeding of the Society shall be

invalid merely by reason of the existence of any vacancy therein or of any defect in the appointment or nomination of any of its members.

10 (i) Meeting of the Society : The Society shall meet whenever the Chairman thinks fit either an proposal being sent by the Secretary or on his own or upon a written requisition or not less than four members, specifying the object of the meeting proposed to be called.

- ii) For every meeting of the Society fifteen days notice shall be given provided that the Chairman may, for reasons to be recorded, call a special meeting on such notice as he may deem fit.
- iii) Five members of the Society including any representative authorised under Rule 6 shall constitute a quorum at any meeting.
- iv) In case of difference of opinion amongst the members the opinion of the majority shall prevail.
- v) Each member of the Society, including the Chairman, shall have one vote and if three shall be an equality of votes on any question to be determined by the Society the Chairman or members presiding shall have an additional or casting vote.
- vi) Every meeting of the Society shall be presided over by the Chairman and, in his absence, by a member chosen by the members present to preside on the occasion.
- vii) Any business which it may be necessary for the Society to perform, except such as may be placed before its meeting, may be carried out by circulation among all its member in India and any resolution so circulated and approved by a majority of the members signing shall be as effectual and binding as if such resolution had been passed at a meeting of the Society; PROVIDED that at least five members of the Society have accorded their views on the resolution.

11. Board of Governors Composition, Powers, Meetings etc. : The General Superintendence, direction and control of the affairs of the Society and its income and property shall be vested in the Governing Body of the Society which shall be called the Board of Governors, Institute of Hotel Management Catering Technology and Applied Nutrition, Hajipur therein after called the Board.

12. The members of the Board shall be the same as the members of the Society .

13. Should any member of the Board (other than the Chairman, the expert on catering Technology nominated by the Central Government and the Principal of the Institute of Catering Technology and Applied Nutrition, Hajipur) be prevented from attending a meeting of the Board he shall be at a liberty to appoint and authorise a representative to take his place at that meeting of the Board and such representative shall have all the rights and privileges of a member of the Board including the right of the vote for that meeting only.

14. The Board shall function, notwithstanding any vacancy therein and notwithstanding any defect in the appointment or nomination of any of its members; and no act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or of any defect in the appointment or nomination of any of its members.

15. D) The Board may frame bye-laws to provide for all or any of the following matters, viz.,

- a) The formation of Departments of teachings;
- b) The fee to be charged for courses of study in the institute and for admission to the examination for inferment of the awards;
- c) The institution of fellowships, scholarships, exhibition , loans , prizes and medal ;
- d) The classification and method of appointment and the determination of the terms and conditions of teachers and other staff of the institute;
- e) The constitution of pension and provident funds for the benefit of the officers, teachers and other staff of the institute;
- f) The establishment and maintenance of halls and hostels;
- g) The conditions of residence of students of the institute and the levying of fees for residence in the halls and hostels and of other charges; and

- h) Other matter or relevance and importance in the administration of educational institutions.
- ii) The Board may by resolution, appoint such committees for such purposes and with such powers as the Board may think fit; the Board may co-opt such persons to these committees as it considers suitable.
- iii) The Board may, by resolution , delegate to a committee or the Chairman such of its powers for the conduct of its business as it may deem fit, subject to the condition that action taken by any committee or the Chairman under the powers delegated to them by this rule shall be reported for confirmation at the next meeting of the Board.
- iv) The Board may pass such resolution or resolution as it may deem fit on the annual report, the annual accounts and the financial estimates.
- 16.i) Ordinarily, the Board shall meet once in every six months and fifteen days' notice shall be given of each such meeting and a copy of the proceedings of such meeting shall be furnished to the Central and State Government as soon as possible after the meeting PROVIDED that the Chairman may, whenever he thinks fit, and shall, on the written requisition of not less than two members call a special meeting.
- ii) Five members of the Board, including any representative authorised under Rule 15 shall constitute a quorum at any meeting of the Board.
- iii) In case of difference of opinion amongst the members, the opinion of the majority shall prevail.
- iv) Each member of the Board, including the Chairman, shall have one vote and, if there shall be an equality of votes of any question to be determined by the Board , the Chairman or member presiding shall have an additional or casting vote.
- v) Every meeting of the Board shall be presided over by the Chairman and, in his absence, by members chosen by the members present to preside on the occasion.
- vi) Any business which it may be necessary for the Board to perform, except such as may be placed before its meetings, may be carried out by circulation among all its members in India and any resolution so circulated and approved by a majority of the members signing shall be as effectual and binding as if such resolution had

been passed at a meeting of the Board; PROVIDED that at least five members of the Board have recorded their views on the resolution.

17. Executive Committee, Composition, Powers, Meeting etc.

Out of the members of the Board of Governors the following shall constitute an Executive Committee:-

- a) The Director of Technical Education, or if there be no such person the officer who is for the time being the administrative head of the department which is in charge of technical education, whether in addition to other functions or otherwise.
- b) Regional Director, Govt. of India Tourist Office, representative of Government of India- Convenor
- c) The expert on the Board of Governor
- d) The Principal of the Institute.

18. The Executive Committee shall exercise all or any of the power and function of the Board of Governors, subject to the general superintendence direction and control of the Board.

19. i. The Executive Committee shall function, notwithstanding any vacancy therein and notwithstanding any defect in the appointment or nomination of any of its members; and no act or proceedings of the Executive Committee shall be invalid mere by reason of the existence of any vacancy there in or of any defect in the appointment or nomination of any of its members.

- ii) The Executive Committee shall meet as often as necessary an at least once in three months, and 10 days notice shall be given of each such meeting, and a copy of the proceedings, shall be furnished to the Board of Governors and to the Central and State Governments as soon as possible after the meeting; PROVIDED the convenor may ,whenever he thinks fit, and shall, on the written requisition of not less than two members , call a special meeting.

- 19 (iii) Three members of the Executive Committee present in person shall constitute a quorum at any meeting of the Committee.
- iv) In case of difference of opinion amongst the members, the opinion of the majority shall prevail.
- v) Each member of the Executive Committee, including the Chairman who will be elected at each meeting of the Committee, shall have one vote ; and if there shall be an equality of votes on any question to be determined by the Committee, the Chairman shall have an additional or casting vote.
- vi) Any business which it may be necessary for the Executive Committee to perform, except such as may be placed before its meetings, may be carried out by circulation among all its members in India, and any resolutions so circulated and approved by the majority of the members signing shall be as effectual and binding as if such resolution had been passed in a meeting of the Committee; PROVIDED that at least three from three members of the Committee have recorded their views on the resolution.
- vii) The recommendation and findings of the Executive Committee to be Placed before the BoG for concurrence.

20. Principal

- i) There shall be a Principal of the Institute, to be appointed as per the R.R. in accordance with such qualifications experiences and methods of recruitment and under such terms & conditions of services,
The Principal shall be appointed by the Central Government i.e Ministry of Tourism, Govt. of India;
- ii) The Principal shall be the Principal academic and executive officer of the institute and shall be responsible for the proper administration of the Institute and for the imparting of instruction and the maintenance of discipline. All other staff of the institute shall be subordinate to the Principal.
- iii) The Principal shall be custodian of records, the funds of the institute and such other property of the Institute as the Board may commit to his charge.

- iv) The Principal shall act as Secretary to the Society, the Board, the Executive Committee and other Committee of the Society or of the Board.
- v) The Principal shall have such other powers and shall perform such other duties as may be delegated to him the Board.
- vi) The Principal shall have the powers to re-delegate the powers to any of his subordinates with the approval of the Board.
- vii) In the event of the occurrence of any vacancy in the office of the Principal or if the Principal is unable discharge his functions owing to absence, illness or other cause, it shall be open to the Board to authorize any person to exercise such powers , functions and duties of the Principal as the Board may deem fit.
- viii) The Principal shall have the powers of accommodating the Part time faculty in the best interest of the institute's academic activities.

21. **Budget, Accounts, Audit and Reports:**

- i) The Society shall from time to time prepare the budget estimates of the institute in such form and manner and shall submit the same to the Central and State Government for approval by such dates, as the State Government, in consultation with the Central Government, may direct.
- ii) The Society shall submit to the Central and State Government a report on the working of the Institute and an audited statement of accounts showing the income and expenditures the institute for each financial year within five months after the closing of the year ;
- iii) The Central and /or the State Government may, after sanction of the budget estimates, the statement of accounts and the Report referred to in sub-rules(I)and (ii) of his Rules refer them back to the Society with comments, and the Society shall comply with such comments or otherwise explain the matter to the satisfaction of the Central and /or the State Government as the case may be.

22. **Society to be sued in the name of the Secretary:**

- 23. For the purposes of section 6 of the Societies Registration Act,1860, (XXI of 1860), the person in whose name the Society may sue or be sued shall be the Secretary of the Society.

24. **Legal Opinion**

All contracts for and on behalf of the Society shall be executed by the Principal of the institute if the value of the contract is Rs.30,000/- or less, and the Principal of the institute and the Convenor of the Executive Committee, if the value of contract exceeds Rs.30,000/-. The Board may also authorise any person to enter into contracts on behalf of the Society subject to such restrictions and conditions as the Board may impose.

25. **Alteration etc. of purposes and of rules:**

Subject to the prior approval of the Central and the State Governments of Society may alter, extend or abridge any purpose or purposes for which it is established, PROVIDED it carries out the procedure prescribed in that behalf by Act XXI Society's Registration Act 1860.

- ii) These Rules may be altered with the consent of the Central and the State Government any time by a resolution passed by a majority of two-thirds of the members present at any meeting of the Society which shall have been duly convened for the Purpose.