

INSTITUTE OF HOTEL MANAGEMENT,
CATERING TECHNOLOGY & APPLIED
NUTRITION (MUMBAI) SOCIETY

RULES AND REGULATIONS

(1989)

RULES AND REGULATIONS OF THE INSTITUTE OF HOTEL MANAGEMENT,
CATERING TECHNOLOGY & APPLIED NUTRITION (MUMBAI) SOCIETY

SHORT TITLE:

1. These Rules and Regulations may be called “Rules and Regulations” of the Institute of Hotel Management, Catering Technology & Applied Nutrition (Mumbai) Society.

DEFINITION:

2. In these Rules –
 - a. ‘Society’ means the Institute of Hotel Management, Catering Technology & Applied Nutrition (Mumbai) Society;
 - b. ‘Institute’ means the Institute of Hotel Management, Catering Technology & Applied Nutrition.
 - c. ‘Central Government’ means Ministry or Department in the Central Government dealing with the subject.
 - d. ‘Chairman’ means, except where the context otherwise requires, the Chairman of the Society;
 - e. ‘Principal’ means the Principal of the Institute of Hotel Management, Catering Technology & Applied Nutrition. In these Rules and Regulations, the ‘Principal’ shall also mean Secretary of the Society, wherever the context so requires.
 - f. ‘State Government’ means Ministry or Department in the State Government dealing with the subject.

REGISTERED OFFICE:

3. The office of the Society shall be situated at the Institute of Hotel Management, Catering Technology & Applied Nutrition, Mumbai or any city or town in the State of Maharashtra whereto it may be removed with prior approval of the Government pursuant to a resolution passed in that behalf by the Board of Governors of the Society.

MEMBERSHIP:

4. i. The Society shall consist of the following members:
 - a. A Chairman nominated by the Central Government.
 - b. The representatives of the State, Government of Maharashtra, one being the Director of Technical Education and Training, Government of Maharashtra, ex-officio or if there be no such person the office who is for the time being; the administrative head of the department who is in charge of technical education, whether in addition to other functions or otherwise.
 - c. Four representatives of the Central Government. One of them being PA to the Department of the Government of India dealing with the subject or his nominee.
 - d. An expert on catering technology to be nominated by the Central Government.
 - e. Two persons from the Hotel Industry to be nominated by the Central Government.
 - f. Two representatives of the All Indian Women's Central Food Council.
 - g. Principal/Member Secretary
- ii. The Central Government may at any time appoint any other person to be a member of the Society.

5. 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.

6. If a member of the Society shall change his address, he shall notify his new address to the Principal; but if he fails to notify his address, the address in the roll of members shall be deemed to be his address.

7. Should any member of the Society (other than the Chairman, the Expert on Catering Technology nominated by the Central Government and the Principal, Institute of Hotel Management, Catering Technology & Applied Nutrition, Bombay, be unable to attend a meeting of the Society, he may appoint an authorized representative as proxy to take his place at that meeting of the Society and such representative shall have all the rights and privileges of a member of the Society including the right to vote for that meeting.

TENURE OF MEMBERS:

8. 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 nominated by the Central Government or by 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 tenure of every person nominated by the Central Government under Rule 4 (i)(a) & (e) and Rule (ii) shall ordinarily be 3 years unless terminated earlier under Rule 8 (ii).

CESSATION OF MEMBERSHIPS

9. A member of the Society shall cease to be a member of the Society, if he dies, resigns, becomes of unsound mind, be adjudged or adjudicated as insolvent or be convicted of a criminal offence involving moral turpitude or if he is removed from the membership of the Society or if he (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.

RESIGNATIONS:

10. i. 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.
- ii. A member may resign office by a letter addressed to the Chairman under intimation to the authority by whom he was nominated and such resignation shall take effect from the date it is accepted by the Chairman.

VACANCIES:

11. The Society 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 Society shall be invalid merely by reason of the existence of any vacancy therein or if any defect in the appointment or nomination of any of its members. Any vacancies arising shall be filled by the Central Government within a period of three months. If the same is not filled within three months, the Board shall have the option to nominate a person in such a vacancy for the remainder of the tenure.

MEETING OF THE
SOCIETY:

12. i. The Society shall meet whenever the Chairman thinks fit, provided that the Chairman shall call a meeting of the Society upon a written requisition of not less than four members specifying the subject of the meeting proposed to be called. Provided further that the annual general meeting of the Society shall be held at least once in

every year as required under the Societies Registration Act, 1860.

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 authorized under Rule 6 shall constitute a quorum at any meeting.

Out of the minimum five which constitutes a quorum, one must be a representative of the Central Government and another the Principal/Secretary of the Institute/Society.

iv. In case of difference of opinion amongst the members, the opinion of the majority shall prevail provided that in the event of disagreement by the Central Government representative representing Ministry of Finance on any financial matter, the same would be referred to the Ministry of Tourism and the Finance Minister for a decision.

v. Each member of the Society, including the Chairman shall have one vote and if there shall be an equality of votes on any question to be determined by the Society, the Chairman or member 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. All the meetings of the Board of Governors shall be deemed to be meeting of the Society.

viii. Any business which it may be necessary for the Society 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 Society, provided that at least five members of the Society have recorded their views on the resolution.

BOARD OF GOVERNORS
ON POSITION, OTHERS
MEETINGS ETC.

13. The General superintendence, direction and control of the affairs of Society and its income and property shall be vested in the Board of Governor's hereinafter called the Board.
14. The members of the Board shall be the same as the members of the Society.
15. Should any member of the Board (other than Chairman), the Expert on Catering Technology nominated by the Central Government and the Principal of the Institute of Hotel Management, Catering Technology & Applied Nutrition, Bombay, be unable to attend a meeting of the Board, he may appoint an authorized representative as a proxy to take his place at the meeting of the Board and such representative shall have all the rights and privileges of a Member of the Board including the right to vote for that meeting only.
16. 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.

17. i. Within the broad framework of policy laid down by the Central Government or instructions/orders issued by them from time to time the Board may amend their bye-laws to provide for all or any of the following matters:-
 - a. the formation of Departments of teaching;
 - b. the fees to be charged for courses of study in the Institute and for admission to the examinations for conferment of the awards;
 - c. the institution of fellowships, scholarships, exhibitions, loans, prizes and medals.
 - d. the creation and classification of posts, the method of appointment and determination of the terms and conditions of service of teaching and other staff of the Institute subject to prior approval of the Central Government in all such matters.
 - e. the constitution of terminal benefits like pension, provident fund etc. 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 residences of students of the Institute and the levying of fees for residence in the halls and hostels and of other charges; and
 - h. other matters of 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, either from amongst the members of the Board of Governors or outsiders.

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 resolutions as it may deem fit on the annual report, and the annual accounts and the financial estimate.

18. i. Ordinarily, the Board shall meet once in every six months and fifteen days notice shall be given of each meeting and a copy of the proceedings of such meeting shall be furnished to the Central 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 authorized under Rule 15 shall constitute a quorum of any meeting of the Board.
- iii. In case of difference of opinion amongst the members, the opinion of the majority shall prevail provided that in the event of disagreement by the Central Government representative representing Ministry of Finance on any financial matter, the same would be

referred to the Minister for Tourism and the Finance Minister for a decision.

iv. Each member of the Board including the Chairman, shall have one vote, and if there shall be an equality of votes on 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 a member chosen by the member 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.

EXECUTIVE COMMITTEE
COMPOSITION, POWERS,
MEETINGS ETC.

19. i. 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. Two of the representatives of the Central Government to be specified by the Central

Government; one of the representatives to be specified as convener of the Executive Committee and to be based in Mumbai.

- c. The expert nominated by the Central Government to the Board of Governors; and
- d. The Principal of the Institute.

- 20. It shall be the duty of the Executive Committee to see that the decisions taken by the Board of Governors are implemented.
- 21. The Executive Committee shall exercise all or any of the powers and functions of the Board or Governors, subject to the general superintendence, direction and control of the Board.
- 22. 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 merely by reason of the existence of any vacancy therein or of any defect in the appointment or nomination of any of its members.
- 23.
 - i. The Executive Committee shall meet as often as necessary and at least once in three months and 10 days notice shall be given of each such meeting, and a copy of the proceedings of such meeting shall be furnished to the Board of Governors and to the Central Government as soon as possible after the meeting PROVIDED that the convener may, whenever he thinks fit, and shall on the

written requisition of not less than two members call a special meeting.

ii. The meeting of the Executive Committee shall be presided over by a member elected to preside over that meeting. If there is any difference of opinion with regard to the Chairman, the meeting shall be presided over by the Convener of the Executive Committee or in his absence by the other representatives of the Central Government.

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 provided that in the event of disagreement by the Central Government representative representing Ministry of Finance on any financial matter, the same would be referred to the Minister for Tourism and the Finance Minister for a decision.

v. Each member of the Executive Committee including the Chairman elected for the meeting shall have one vote, and if there shall be an equality of votes on any question to be determined by the Committee, the Chairman elected for the meeting 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 has been passed in a meeting of the

Committee; PROVIDED that at least three members of the Committee have recorded their views on the resolution.

PRINCIPAL

- 24.
- i. The Board shall with the prior approval of the Central Government appoint the Principal of the Institute.
 - 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 the 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 member Secretary of the Society, the Board, the Executive Committee and other committees of the Society or the Board. He shall discharge all functions of the Secretary as provided in the Societies Registration Act.
 - v. The Principal shall have such other powers and shall perform such other duties as may be delegated to him by the Board.
 - vi. The Principal shall have the power to redelegate his 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 to discharge his functions owing to absence, illness or any other cause, it shall be open to the Board to authorize any person to exercise such powers, function and duties of the Principal as the Board may deem fit.

ACCOUNTS
AUDIT AND
REPORTS:

25. Within six months of the closing of the previous financial year, the Society shall submit to the Central Government for their approval Budget Estimates for the ensuing year, along with a report on the working of the Institute and an audited statement of accounts showing the income and expenditure for the previous year that the Budget Estimates for the first year will be submitted in accordance with such direction; as the Central Government may issue in this respect.

SOCIETY TO BE SUED
IN THE NAME OF THE
SECRETARY.

26. For the purpose 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.
27. 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.10,000/- or less, and by the Principal of the Institute and the convener of the Executive Committee if the value of the contract exceeds ` 10,000/-. The Board may also authorize any person to enter into contracts on behalf of the Society subject to such restrictions and conditions as the Board may impose.

ALTERATION ETC.
OF PURPOSES AND
OF RULES:

28. i. Subject to the prior approval of the Central Government, the Society may alter, extend or abridge any purpose for which it is established PROVIDED it carries

out the procedure prescribed in that behalf by Act XXI of 1860.

ii. These Rules may be altered with the consent of the Central Government at 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.

29. The Society may be dissolved in accordance with the provisions of Sections 13 and 14 of the Societies Registration Act (21 of 1860) after obtaining the previous consent of the Central Government.

30. If on the winding up or the dissolution of the Society there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to any of its members or distributed amongst them, but subject to provisions of Section 14 of the Act shall be disposed off as the Central Government may determine.
