

**MEMORANDUM OF ASSOCIATION
AND
RULES & REGULATIONS**

1

MEMORANDUM OF ASSOCIATION

In the matter of Act-XXI of 1860 being an Act for the registration of literary, scientific and charitable societies and in the matter of the Institute of Hotel Management, Catering Technology & (Trivandrum) Society hereinafter referred to as the 'Society'.

The name of the Society should be the Institute of Hotel Management & Catering Technology (Trivandrum) Society.

The registered office of the Society shall be situated at Institute of Hotel Management & Catering Technology, Kovalam, Trivandrum

In this Memorandum 'Central Government' means the Ministry/ Department in the Central Government dealing with the subject and 'State Government' means the Government of Kerala.

1. The name of the Society shall be the Institute of Hotel Management and Catering Technology (Trivandrum) Society.
2. The registered office of the Society shall be situated at Kovalam, Trivandrum
3. The objects for which the Society is established are:
 1. to establish and to carry on the administration and management of the Institute of Hotel Management and Catering Technology hereinafter called the 'Institute' whose function shall be:-
 - a) 1) to provide instructions and training in all the crafts and skills, all the branches of knowledge both theoretical and applied, and all the organisational and management techniques, which are required for the efficient functioning of hotel and catering establishments of all kinds, as well as institutional feeding programmes in schools, industrial establishment and similar organisations:

- ii) k) to impart instruction and training in modern and scientific techniques of management of modern hotels and hostels;
- l) to undertake and to associate itself with nutritional extension and developmental work;
- m) to propagate economy in the handling and utilisation of foodstuffs;
- n) to assist in and associate itself with the efforts of the Central and State Governments to popularise wholesome non cereal foods, particularly protective foods, with a view to the diversification of the ordinary Indian diet and the enrichment of its nutritional content;
- o) to assist in and associate itself with the attempt of food research institutions, food scientists and food technologists to find effective and acceptable means of presenting their nutritional ideas through the development of suitable recipes and the planning of menus;
- p) in accordance with the general policy laid down by the Central Government, to prescribe courses of instructions, hold examinations and grant certificates, diplomas and other awards to persons;
- q) to fix and demand such fees and other charges may be laid down in the bye-laws;
- r) to establish, maintain and manage halls and hostels for the residence of students and members of the staff;
- s) to supervise and control the residence, to regulate the discipline of students of the Institute and to make arrangements for promoting their health, general welfare and cultural and co-operative life;
- t) to institute teaching, administrative technical, ministerial and such other posts as may be necessary and to make appointments thereto in accordance with rules, bye-laws and any instructions/orders and guidelines issued by the Central Government, from time to time.

- k) to institute and award fellowships, scholarships, exhibitions, loans, monetary assistance, prizes and medals in accordance with the rules and bye-laws; and
- 1) within the broad framework of the policy laid down by the Central Government to seek affiliation with universities or other appropriate academic or governmental bodies or institutions and obtain the recognition of its courses of instruction, its examinations, its diplomas, certificates and other awards by the appropriate educational authorities
- ii) to make rules and bye-laws for the conduct of the affairs of the Institute and Society and to add to amend, vary rescind them from time to time
- iii) to give pensions, gratuities or charitable aid to the teachers, staff and other employees or ex-employees of the Society or to their wives, children or other dependents, subject to orders/instructions issued by the Central Government in this regard from time to time.
- iv) to make payments towards insurance and term and contribute to provident and benefit funds for the benefit of any person employed by the Society or of the wives, children or other relatives or dependents of such persons.
- v) to acquire, hold and dispose of property in any manner whatsoever provided that the prior approval of the Central Government is obtained in the case of acquisition or disposal of immovable property;
- vi) to deal with any property belonging to or vested in the Society in such manner as the Society may deem fit for advancing the functions of the Institute;
- vii) to borrow and raise moneys with or without security or on the security of any Mortgage, Charge or Hypothecation or pledge over all or any of the immovable properties belonging to the Society or in any other manner whatsoever; subject to the approval of the Central Government;

- viii) to build, construct and maintain houses, hostels, schools or other buildings, and alter, extend, improve repair, enlarge or modify the same including any existing building and to provide and equip the same with light, water drainage, furniture, fittings, instruments apparatus and appliances and other things for the use to which such buildings is to be put up or held.
- ix) to construct or otherwise acquire, layout, repair, extend alter, enlarge, improve and use any land, recreation or playgrounds, parks and any other immovable property belonging to or held by the Society;
- x) to start, conduct, print, publish and exhibit any magazines, periodicals, newspapers, books, pamphlets or posters that may be considered desirable for the promotion of the objects of the Society
- xi) To maintain a fund to which shall be credited
- a) all moneys provided by the Central Government
 - b) all fees and other charges received by the Society
 - c) all moneys received by the Society by way of grants gifts, donations, benefactions, bequests or transfers; and;
 - d) all moneys received by the Society in an other manner or from any other sources;
- xii) to deposit all moneys credited to the fund in such banks or to invest them in such manner as the Society may, with the approval of the Central Government decides;
- xiii) to draw, make, accept, endorse and discount cheques, notes or other negotiable instruments and for these purposes to sign, execute and deliver such assurances and deeds as may be necessary;
- xiv) to pay out of the funds belonging to the Society or out of any particular parts of such funds the expenses incurred by the Society from time to time including all expenses incidental to the formation of the Society and management and administration of any of the foregoing subjects including all rent, rates, taxes, ...

outgoings and the salaries of the employees;

- xv) to maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed by the Central Government.
 - xvi) to have the accounts of the society audited in such manner as the Central Government may direct and to forward annually to the Central Government the accounts duly certified by the auditors together with the audit report thereon;
 - xvii) to constitute such committees or sub-committees as it may deem fit;
 - xviii) to delegate all or any of its powers to the Board of Governors of the Institute or to the Executive Committee or to any of the committees or sub-committees constituted by the Society or the Board, or to any one or more members of its bodies or its officers;
 - xix) to do all such lawful acts deeds or things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Society.
5. No immovable property of the Society shall be disposed of in any manner whatsoever without the prior approval of the Central Government.
6. The Central Government may issue such instructions to the society or the Institute as it may consider necessary from time to time for the furtherance of the objects of the society and for ensuring proper functioning and control of the Institute and the Society shall comply with such instructions.
7. The Central Government may appoint one or more persons to review the work and progress of the Society or Institute and to hold enquiries into the affairs thereof and to report

thereon in such manner as the Central Government may stipulate. Upon receipt of such report the Central Government may take action and issue such directions as it may consider necessary in respect of any of the matters dealt with in the report and the Society or Institute, as the case may be bound to comply with such directions.

8. The income and property of the society, however derived, shall be applied towards the promotion of the objects as set forth in this memorandum of Association subject nevertheless in respect of the grants made by the Central Government to such limitations as the Central Government may, from time to time, impose. No part of the income and property of the Society shall be paid or transferred directly or indirectly by way of dividends, bonus or otherwise howsoever by way of profit to the person who at any time are or have been members of the Society or to any of them or to any person claiming through them or any of them provided that nothing herein contained shall prevent the payment in good faith of remuneration of any member thereof or any person in return for any service rendered to the Society or for travelling allowance, halting, or other similar charges.

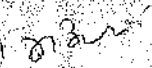


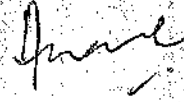

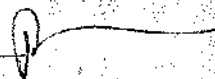
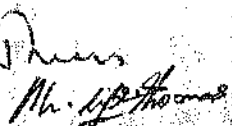
9. The names and addresses and occupations of the first members of the Governing Body of the Society (referred to in the rules and bye-laws as the Board of Governors) to which by the rules and bye-laws of the society, the management of its affairs is entrusted are:

1. Sri. Dr. D. Babu Paul
2. Sri. K. Jayakumar
3. Mis. Ramu Dhar
4. Mr. K.V. Simon
5. Mr. Anand Kumar

Chairman *[Signature]*
 Member *[Signature]*
[Signature]
[Signature]

So, the several persons whose names and addresses are given below, having associated ourselves for the purpose

described in this Memorandum of Association, do hereby subscribe our names to this Memorandum of Association, and set our several and respective hands hereunto and form ourselves into a Society under Act XXI of 1860, this day of nineteen ~~September~~ ninety

Sl. No.	Name & addresses and occupation of members	Signature of members	Respective addresses and occupations of members	Signature of members
1.	Dr. Babu Paul		Commissioner & Secretary Trivandrum	
2.	Mr. Jayakumar		Director, Tourism	
3.	Mrs. Renu Dhar		Addl. Director General Tourism & Joint Secretary H.M.C Division, Chief Executive Officer, National Council	
4.	Mr. S. Krishnamoorthy		F.A. Minister of Tourism	
5.	K.V. Simon		Officer on spl. duty & (Secretary), Principal Institute of Hotel Management, Bombay	
6.	Director, Technical Education		Kerala	
7.	Mr. Anand Kumar		Addl. Director, Tourism & Director K.I.T.T.S	
8.	Representative of Human Resource		Ministry, Government of India	
9.	Mr. P.O. Thomas		General Manager, I.T.D.C	
10.	Mr. Balakrishnan		Managing Director, K.T.D.C	
11.	President		Kerala Hotel Association	
12.	Miss. T.E. Philip			
13.	Mr. Philipose Pius		Chairman Trades and Sec. local Admin.	

-- 8 --

RULES AND REGULATIONS OF THE INSTITUTE OF HOTEL MANAGEMENT
AND CATERING TECHNOLOGY (TRIVANDRUM) SOCIETY

SHORT TITLE: 1. These Rules and Regulations may be called
"Rules and Regulations" of the Institute of
Hotel Management and Catering Technology
(Trivandrum) Society

DEFINITION: 2. In these Rules -

- a. 'Society' means the Institute of Hotel
Management and Catering Technology (Trivandrum)
Society
- b. 'Institute' means the Institute of Hotel
Management and Catering Technology
- 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 ~~Soc~~ Society of
the 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
Institute of Hotel Management and Catering
Technology Trivandrum or any city or town in the
State of ~~Malabar~~^{Kerala} where to it may be removed
with prior approval of the Government
to a resolution passed in that behalf by the Board
of Governors of the Society.

MEMBERSHIP: 4. 1. The Society shall consist of the following
members:
a. Chairman nominated by the Central Government

- h. Two representatives of the State one being the Government of Kerala the Director of Technical Education and Training, Government of Kerala ex-officio or if there be no such person the officer 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.
 - i. Four representatives of the Central Government. One of them being to the Department of the Government of India dealing with the subject or his nominee.
 - j. An expert on catering technology to be nominated by the Central Government.
 - k. Two persons from the Hotel Industry to be nominated by the Central Government.
 - l. Principal/Member Secretary
11. The Central Government may at any time appoint any other person to be a member of the Society.
12. 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.
13. 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 and Catering Technology be unable to attend a meeting of the Society, he may appoint an authorised 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) (c) & (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.

MEETINGS 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 atleast 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 authorised 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 Minister 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 ~~xxxx~~ 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 ~~x~~ 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 atleast five members of the Society have recorded their views on the resolution.

BOARD OF GOVERNORS
COMPOSITION POWERS,
MEETINGS ETC.

13. The general superintendence, direction and control of the affairs of the society and its income and property shall be vested in the Board of Governor's herein after 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 the Chairman, the Export on Catering Technology nominated by the Central Government and the Principal of the Institute of Hotel Management, and catering Technology, Trivandrum be unable to attend a meeting of the Board, he may appoint an authorised 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 there in 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 there in or of any defect in the appointment or nomination of any of its members.
- 17/ 1. 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 byelaws to provide for all or any of the following matters:-

- (a) the formation of Department 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.

(Contd.....)

- 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 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 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, 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 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 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 atleast five members of the Board have recorded their views on the resolution.

EXECUTIVE
COMMITTEE
COMPOSITION,
POWERS,
MEETINGS ETC.

- 19. 1. Out of the members of the Board of Governors the following shall constitute an Executive Committee:-
 - a. The Director of Tourism 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 Tourism, whether in addition to other functions or otherwise.
 - b. Two of the representatives of the Central Government to be specified by the Central Government.
 - c. The expert nominated by the Central Government to the Board of Governors; and
 - d. The Principal of the Institute as the Convener of the Executive Committee.
- 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 of Governors, subject to the general superintending direction and control of the Board.
- 22. The Executive Committee shall function, notwithstanding any vacancy there in 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. 1. The Executive Committee shall meet as often as necessary and atleast 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 convenor 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 Convenor of the Executive Committee or in the 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 had been passed in a meeting of the Committee; PROVIDED that atleast 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 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, and as Convenor 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 authorise any person to exercise such

powers, functions 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, alongwith 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 directions 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~~ ¹⁹⁵⁵ (~~XXI~~ ^{XII} of ~~1860~~ ¹⁹⁵⁵), 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 Rs.10,000/-. 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.

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 1960.

- 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.

