

**MEMORANDUM OF ASSOCIATION**

**OF THE**

**SOCIETY OF THE MEGHALAYA INSTITUTE**

**OF HOTEL MANAGEMENT,**

**SHILLONG.**



MEMORANDUM OF ASSOCIATION  
OF THE  
SOCIETY OF THE MEGHALAYA OF INSTITUTE OF HOTEL MANAGEMENT

1. The name of the Society shall be the Society of the Meghalaya Institute of Hotel Management (herein after called 'The Society').
2. The objects for which the society is established are :
  - i) To establish and to carry on the administration and management of the Meghalaya Institute of Hotel Management herein after called for 'Institute' whose functions shall be :
    - a) to provide instruction 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 the catering establishments of all kinds, as well as institutional feeding programmes in Schools, Industrial establishments and similar organisations;
    - b) to undertake and to associate itself with nutritional extension and development work and to propagate economy in the handling and utilisation of food stuff;
    - c) to provide instruction and training in development of skills and techniques for hospitality industry as development of Tourism;
    - d) to assist in and associate itself with the efforts of the Central and State Government 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 contents;
    - e) to assist in and associate itself with the attempts 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;
    - f) to prescribe courses of instruction, hold examinations and grant certificates, diplomas and other awards to persons;
    - g) to fix and demand such fees and other charges as may be laid down in the bye-laws;
    - h) to establish, maintain and manage halls and hostels for the residence of students and members of the staff;
    - i) 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 corporate life;
    - j) to institute teaching in administrative, technical, ministerial and such other work as may be necessary and to make appointments to the posts created therefor and in accordance with rules and bye-laws;
    - k) to institute and award fellowships, scholarships, exhibitions, loans, monetary assistance, prizes and medals in accordance with the rules and bye-laws; and



- 1) 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 give pensions, gratuities or charitable aid to the teachers, staff and other employees or ex-employees of the Society or to their wives, children to her or dependents ;
- iii) to make payments towards insurance and form and contribution 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 person ;
- iv) to acquire, hold and dispose of property in any manner whatsoever provided that the prior approval of the Central and State Government of Meghalaya is obtained in the case of acquisition or disposal of immovable property;
- v) 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 ;
- vi) to borrow and raise money with or without security or on the security of any mortgage, charge or hypothecation or pledge of and over all or any of the immovable properties belonging to the Society or in any other manner whatsoever ;
- vii) 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;
- viii) to construct or otherwise acquire, lay out, repair, extend, alter, enlarge, improve and use any land, recreation or playgrounds, parks and other immovable property belonging to or held by the Society ;
- ix) 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;
- x) to create and maintain a fund to which shall be credited;
  - a) all money provided by the Central and State Governments;
  - b) all fees and other chares received by the society;
  - c) all money received by the Society by way of grants, gifts, donations, benefactions bequests or transfers; and
  - d) all money received by the Society in any other manner or from any other sources;



- xi) to deposit all money credited to the Fund created and maintained under Sub-Clause 'x' in such banks or to invest that in such manner as the Society may decide;
  - xii) to draw, make, accept, endorse and discount cheques, notes or other negotiable instruments, and for these purpose to sign, execute and deliver such assurances and deeds as may be necessary;
  - xiii) to put any of the funds belonging to the Society or out of any particular part 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 the foregoing objects including all rents, rates, taxes, outgoing and the salaries of the employees ;
  - xiv) to do 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.
3. The Central or the State Government of Meghalaya may issue with the concurrence of the State or the Central Government as the case may be, such directions to the society as it may consider necessary for the furtherance of the objects of the society and for ensuring the effective functioning thereof.
4. The Central or the State Government of Meghalaya may appoint with the concurrence of the State or the Central Government as the case may be, one or more persons to review the work and progress of the Society and hold enquiries into the affairs thereof and to report thereon, in such manners as the Central or the State Government may order. Upon receipt of any such reports the Central or the State Government, with the concurrence of the State or the Central Government as the case may be, may take such 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 shall be bound to comply with such directions.
5. The income and property of the society, however, derived shall be applied towards the promotion of the objects asset forth in this Memorandum of Association subject nevertheless in respect of the grants made by the Central Government of the State Government to such limitations as Central or the State 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 persons 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 to the payment in good faith of remuneration to any member thereof or any person in return for any service rendered to the society or for travelling allowance, halting, or other similar charges.
6. The name and addresses and occupations of the members of the Governing Body of the Society (referred to in the rules as the Board of Governors) to which by the rules of the society the management of its affairs is entrusted, are :

Name	Address & Occupation	Designation
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As attached.



## MEMORANDUM OF ASSOCIATION

Fee : Rs.50.00

(Registered under Meghalaya Act XXII of 1983)

## MEMORANDUM OF ASSOCIATION

1. The name of the Society : : SOCIETY OF THE MEGHALAYA INSTITUTE OF HOTEL MANAGEMENT
2. The Office of the Society is : East Khasi Hills, Meghalaya  
situated at in the province/State.
3. The objects (must be literary) : As per 2 (I to xiv) of the Memorandum  
Scientific, Charitable etc. for of Association of the Society enclosed  
Which the society is established  
Are : :



## BYELAWS

The procedure prescribed and powers delegated in these bye-laws should be read with the obligations cast on the Society vis-à-vis the Central and State Governments in its Memorandum and Rules as well as in any instructions or directives issued by the Central and State Governments to the Society.

...

DEFINITIONS: In these bye-laws, except where the context otherwise requires,

- (i) The expressions 'Society' 'Board', 'Executive Committee' 'Secretary' Institute' 'State Government' and 'Central Government' shall have the meaning assigned to them in the Memorandum and/or the rules of the INSTITUTE OF HOTEL MANAGEMENT (Meghalaya) Society.
- (ii) 'financial year' shall mean the financial year followed by the State and Central Governments.

### 1. BYE-LAWS RELATING TO FINANCIAL BUDGETARY AND ACCOUNT MATTERS

#### BUDGET PROCEDURE

- (1) The budget estimates of the Society for each financial year shall be prepared by the Secretary in the forms prescribed by the State Government in terms of Rule 25 of the Rules of the Society and shall be submitted by the Secretary with such explanation notes and recommendations as may be necessary for consideration at a meeting of the Executive Committee to be held not later than the 31<sup>st</sup> of July of the preceding financial year. The Executive Committee shall consider the budget estimates and may approve them or offer such comments or suggest such changes as it may consider necessary and appropriate.
- (2) The budget estimates of each financial year as approved by the Executive Committee, shall be placed before a meeting of the Board to be held before the 15<sup>th</sup> August of the preceding financial year. The Board shall consider the budget estimates and may approve them or offer such comments or suggest such changes as it may consider necessary and appropriate.
- (3) Copies of the Budget estimates and the explanatory notes thereon shall be sent to each member of the Executive Committee and of the Board by registered post at least ten clear days before the meeting of the Executive Committee or the Board at which these estimates are to be considered.
- (4) The budget estimates of each financial year as approved by the Board, shall be submitted to the State and Central Governments not later than the 31<sup>st</sup> of August of the preceding financial year.
- (5) The budget estimates of each financial year as approved by the Board and accepted by the State and Central Governments shall be reviewed and revised estimates prepared at the time of preparation of the budget estimates for the ensuing financial year. These revised estimates shall be submitted to the Executive Committee, the Board and the State and Central Governments successively as indicated in bye-laws 1(1), (2), (3) and (4) along with the budget estimates of the ensuing financial year.



- (6) While submitting the Budget estimates to the Executive Committee and the Board, the Secretary shall group the individual items in the estimates into a number of small groups. A specimen grouping is given in Annexure to these bye-laws. The approval by the Board of the budget estimates shall constitute an approval of such grouping also. After the estimates are approved by the Board, the Executive Committee shall have full powers to effect adjustments among the items within a group so long as the total expenditure estimate for the group is not exceeded. The Board shall have full powers to effect adjustments between one group and another.

**POWERS OF EXPENDITURE :** (7) Subject to the availability of funds in the approved budget estimates, and subject further to such byelaws, regulations or instructions As have been or may be laid down by the Board to govern the procedure to be followed and the powers to be exercised by various authorities in regard to specific types or classes of cases such as the creation of posts, appointments, purchases of stores, etc., expenditure out of funds of the Society may be sanctioned by the following authorities to the extent indicated:-

	Nature of Expenditure	Sanctioning Authority	Extent of Powers
1.	Capital Expenditure :-	The Board	Full Powers
2.	Revenue Expenditure :-		
(a)	Repetitive	Secretary	Not exceeding Rs.5000.00
		Executive Committee	Not Exceeding Rs.10,000.00 (Rupees Ten thousand) per Month.
		The Board	Full powers
(b)	Non-repetitive	Secretary	Rs.10,000.00(Rupees Ten thousand) in each cases.
		Executive Committee	Rs.25,000.00(Rupees Twenty Five thousand) in each case.
		The Board	Full powers

**EXPLANATION:** The expression 'repetitive' and "non-repetitive" imply a distinction between sanctions which involve repeated payments of a fixed figure at definite intervals and sanctions which involve expenditure on one single item or a number of closely related items and which cease to be effective as soon as this expenditure has been incurred. For instance, if furniture is hired or if a shed is taken on rent, etc., the sanction once accorded is standing for repeated payments of a stated amount every month. If on the other hand, sanction is accorded to the purchase of stores, stationery, etc., each sanction can cover a single item or a number of closely related items and the sanction will expire as soon as the purchase has been completed.

**RECORD OF SANCTIONS(8) :** The approval of the budget estimates by the Board shall be regarded as equivalent to financial sanctions in respect of the following items in the respective recurring expenditure budget accounts.



1. Staff salaries etc. a, b, c, d, e.
2. Student Activities
3. Operational costs a, b, c, d, e, f, g,
4. Expenditure on Training Food.
5. Miscellaneous Academic Expenses a, b, c, d,
6. Office expenses a, b, c,
7. Bank charges

The remainder of the items of the recurring expenditure should be covered by sanctions given by the Appropriate Authorities and recorded before the expenditure is actually incurred.

BANK ACCOUNT WITHDRAWALS (9) : The Bankers of the Society shall be the State Bank of India. All the money at the disposal of the society, with the exception of the permanent advance referred to in bye-laws I(10) and the moneys deposited in the fixed deposits or invested in accordance with such rules or bye-laws as may laid down for the purpose, shall be deposited into the society's account in the Bank and shall be signed by the Secretary of the Society provided that Cheques exceeding Rs.5,000.00 (Rupees Five thousand) only shall be countersigned in addition by any one of the members of the Executive Committee. The members who so countersigned will satisfy himself that the expenditure has been sanctioned by the competent authority and that the Secretary's pay order has been duly recorded. The cheque Books and other documents relating to the Bank account shall remain in the personal custody of the Secretary.

PERMANENT ADVANCE (10) : A sum of Rs.2,000.00 (Rupees Two thousand only) shall be at the disposal of the Secretary as a permanent Advance for meeting office contingencies, petty expenditure and miscellaneous or emergent payment of any kind which have to be made in cash, provided that payments exceeding Rs.200/- (Rupees Two hundred only) in amount shall as far as possible be made by cheque. The Secretary may in turn place the permanent Advance in the custody of a responsible Administrative Official of the center. The expenditure out of the permanent Advance shall be incurred in accordance with the relevant bye-laws. An account of such expenditure shall be maintained and the permanent Advance shall be recouped as often as may be necessary.

MAINTENANCE OF ACCOUNTS (11) : The Accounts of the Society shall be maintained by the Secretary in accordance with the normal commercial principles of double entry book-keeping, and all the necessary accounts, documents and books shall be maintained in accordance with common commercial practice, with particular reference to the practice, prevalent in catering establishments.

AUDIT (12) : The Accounts of the Society shall be audited annually by auditors to be appointed by the Board.

SUBMISSION OF AUDITED ACCOUNTS TO THE BOARD (13) : The Audited accounts of the Society for each financial year together with the auditors report thereon and accompanied by such documents, notes etc., as may be necessary shall be placed by the Secretary before the Board at a meeting to be held on such date or dates as may enable the Society to submit the said accounts and documents duly approved by the Board to the State and Central Governments by the date prescribed for such submission.



## II CREATION OF POSTS AND APPOINTMENTS.

CREATION (1) Subject to the availability of funds in the approved budget estimates,  
OF POSTS power of creation of posts should be vested solely on the Board on the recommendation of the Executive Committee and the appointment to posts so sanctioned shall be made by the following authorities to the extent indicated.

<u>Appointment Authorities</u>	<u>Extent of Powers.</u>
The Secretary	Appointment to posts in Class IV
The Executive Committee	Appointment to posts in Class II & III
The Board	Full Powers.

(2) The Powers of creation of posts vested by Bye-Law II (I) above shall be exercised by the Board within the guiding lines provided by the structure of posts and pay scales as approved by the board.

The powers of creation of posts vested by the law II (I) above shall be exercised by the board within the structure and pay scales as approved by the Central/State Government as the case may be.

RECORD OF SANCTION TO POSTS. (3) Sanctions to the creation of the posts shall be recorded in one of the forms (as may be appropriate) given in Annexure II and these shall be filled in Register of Sanctions of Posts.

APPOINTMENT PROCEDURE (4) when one or more appointments have to be made the authority competent to make the appointments shall first lay down the requirements as clearly as in as detailed a manner as possible, viz., the duties to be performed, the requirements in terms of educational or other qualifications and practical experience, the appropriate age limits etc., indicating, whether, and if so to what extent, these could be relaxes if the need arises; and shall then decide whether the appropriate method of recruitment to the given posts would be recruitment from the open market , or the promotion of suitable persons already in the employment of the Society or the borrowing of the services of experienced persons or other organization, of a selection from amongst suitable persons.

(5) In the event of recruitment from the open market, the vacancies shall be given as wide a publicity as possible by means of advertisement in a number of prominent newspapers.



(6) In the event of promotion from amongst persons already in the employment of the Society the field of choice shall first be defined, i.e the posts or posts from which promotion to the given vacancy should be made, the length of service which the person to be selected should possess in capacities to be specified, etc. and then eligible candidates in the field of choice.

(7) For all appointments exceeding the powers of the Secretary, the selection of candidates for appointment shall be made by a Standing Selection Committee to be appointed by the Board. The Selection Committee may co-opt others as advisers. The recommendation of the Selection Committee shall be placed before the authority competent to accord final approval to the proposed appointment or appointments in terms of bye-law 11(4).

FORM OF OFFER  
& APPOINTMENT AND  
JOINING REPORT

(8) After the competent authority's approval for an appointment shall be signed for and on behalf of the society by the Secretary in the form given in Annexure IV to these bye-laws. After an acceptance of the offer is received from the selected candidate, he or she should be required to fill in and sign a report of having joined duty in the form given in Annexure -V.

III. PURCHASE OF EQUIPMENT AND SUPPLIES

PURCHASE  
POWERS

(1) The powers of various authorities in the Society for incurring expenditure on the purchase of equipment, stores and supplies of all kinds shall be the same as the general powers of expenditure vested in them by bye-law I( ).

METHODS

(2) Items of equipments, materials, furnishings, linen, fitting and fixtures, stationery, and other articles and stores required by the Society shall be as far as possible be purchased by the system of open tender, i.e. by advertisement through important newspapers.

PROVIDED that where the articles or stores sought to be purchased are known to be available only from a small number of reputed manufacturers, suppliers or dealers, a limited tender enquiry may be addressed to all these manufacturers or supplier or dealers instead of an advertisement in the newspapers.

AND PROVIDED FURTHER that where the articles or stores to be purchased are of a proprietary nature and are made by means of direct negotiations with that single source of supply.

(3) The method of limited tender or direct negotiations with a single party may also be followed if (a) an urgent purchase has to be made and the time involved in the system of open tender is not available, OR (b) if the system of open tenders is not practicable for any reason. In such cases the purchasing authority should record its reasons for not following the method of an open tender.



ACCEPTANCE OF  
TENDER

(4) Where purchases are made through open or limited tender, the lowest tender – shall ordinarily be accepted, provided the tender is in accordance with the terms of the advertisement or enquiry issued by the purchasing authority.

FORM OF TENDER

(5) Where tender enquiries are issued whether by means of advertisement or by means of a letter addressed to a limited number of suppliers, the following points shall be borne in mind.

(a) enquiries shall be addressed by the Secretary for and on behalf of the Society, and acceptance of tender shall be similarly signed.

(b) a time-limit shall be set (or the receipt of a tenders (which shall be required to be submitted in sealed envelops) and a time and place specified for the opening of tenders.

(c) the enquiry shall clearly set forth the quantity and specifications of the articles or stores required the space and mode of delivery, the time by which delivery is required, arrangements for the inspection of the articles or stores prior to acceptance (if considered necessary), the payment procedure etc.

CONTRACTUAL (6)  
IMPLICATIONS

As the issue of letters of enquiry, the receipt of quotations and their acceptance will together amount to an agreement binding upon the Society, the bye-laws relating to contracts is contained in Section IV of these bye-laws shall be borne in mind in inviting and accepting and place orders for suppliers.

IV CONTRACTS

AUTHORITIES (1)

The form and substance of contracts involving a financial consideration exceeding the expenditure powers of the Secretary shall require approval by the Executive Committee, and the form and substance of contracts involving a financial consideration exceeding the expenditure powers of the Executive Committee shall require approval by the Board.

LEGAL ADVICE (2)  
TO BE TAKEN

The drafts of all contracts involving a financial consideration expenditure exceeding Rs.5000.00 (Rupees Five thousand) only shall be shown to a solicitor of repute for advice as to the correctness of their form, before they are approved by the appropriate authority. In respect of contracts involving a financial consideration not exceeding Rs.5000.00 (Rupees five thousand) only the authority competent to approve the form and substance of the contracts shall at its discretion decide whether the advice of a solicitor need be taken.



- GENERAL PRINCIPLES TO BE BORNE (3) The following general principles should be observed while entering into contracts on behalf of the Society.
- (a) The terms should be precise and definite, the quantity of work to be done or supplies to be made, the specifications to be complied with the time within which the work or supplies should be completed, the conditions to be observed, the security (if any) to be lodged, the terms upon which the payment will be made and the penalties (if any) to be exacted for non-compliance with any of the terms and conditions, should be stated clearly.
- (b) The terms of the Contract to be entered into should not be materially varied without the previous consent of the authority competent to approve the contract as so varied.
- (c) Provision must be made in safeguarding the property of the Society, if any entrusted to the Contractor.
- EXECUTION (4) All contracts shall be executed on behalf of the Society, in the manner laid down in Article 27 of the Rules of the Society.

#### V. WRITE OF LOSSES, ETC

- POWER OF (1) Irrecoverable losses of stores of any kind belonging to the Society, as well as deficiencies in the value of the stores included in the stock and other accounts may be written off by the following authorities to the extent indicated against each, provided that if the loss or deficiency disclosed a defect in rules or a procedure or if there has been serious negligence on the part of any employee of the Society the matter shall be brought to the notice of the Board for such action as it may consider necessary.

Nature of loss	Authority	Money limited up to which the loss may be written off in each case.
Irrecoverable losses of of stores or deficiencies in the value of Stores included in the Stock and other accounts.	a. Secretary	Rs.500.00
	b. Executive Committee	Rs.5,000.00
	c. Board	Full Powers

- UNSERVICEABLE (2) OBSOLETE OR SURPLUS STORES in cases whether the stores are badly present and cannot be said to have been lost, but have become unserviceable, obsolete or surplus, a survey report be prepared by Secretary pr, under his direction, with reference to the service report the stores should be declared unserviceable obsolete or surplus as the case may be by the authority who should have been competent in terms of bye-law V(1) to write off a loss equivalent to their value, and the same authority shall also indicate in the same order the mode in which the stores in question should be disposed of, provided that where the said authority holds that surplus owing to negligence, fraud etc. on the part of any employee of the Society, the matter should be reported to the Board for such action as the Board may consider necessary.



VALUE OF STORES (3)  
TO BE WRITTEN  
OFF

The value of stores to be written off or declared obsolete, unserviceable or surplus shall be the book value where price accounts are maintained, and the replacement value (i.e. the market value of a new article or item of stores of identical or similar nature) where no priced accounts are maintained.