



Ministry of Tourism Government of India

Public consultation on the Draft Bill

Ministry of Tourism, Govt. of India proposes to upgrade its one of the autonomous bodies namely '**National Council for Hotel Management and Catering Technology**' to the '**Institute of national Importance**' by an Act of Parliament towards empowering it to award degree in the domain and related fields with its new proposed name as '**National Institute of Hospitality Management**'.

Draft Bill on the above context has been uploaded on the website of the Ministry (www.tourism.gov.in) under News/Updates.

General public as well as the stake holders may go through the draft Bill and may send their views/suggestion(s) on the draft Bill, if any, through e-mail to rlgupta.edu@nic.in or through Post to R.L.Gupta, Under Secretary, Ministry of Tourism, C-1 Hutments, Dara Shukoh Road, New Delhi – 110011 within 15 days from the date of publication.

DRAFT NATIONAL INSTITUTE OF HOSPITALITY MANAGEMENT BILL, 2018

A Bill to establish and incorporate The National Institute of Hospitality Management as an '**Institution of National Importance**' for the promotion, regulation and development of education, research, training and consultancy in the field of hotel management, culinary Art, hospitality management, catering, food & nutrition, healthcare management, travel and tourism management, retail services management, other such service sectors and allied field thereof and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the *Sixty Ninth* Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

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| 1. | 1.(1) | This Act may be called 'The National Institute of Hospitality Management Act, 2018'. | Short title and commencement |
| | 1.(2) | It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint. | |
| | 1.(3) | Whereas the objects of the Institution <u>to</u> be known as National Institute of Hospitality Management, are such as to make it the "Institution of National Importance", it is hereby declared that the National Institute of Hospitality Management is an Institution of National Importance. | Declaration of National Institute of Hospitality Management as an Institution of National Importance |
| 2. | In this Act, unless the context otherwise requires, - | | |
| | 2.(a) | "Appointed day" means the date of establishment of the National Institute of Hospitality Management under sub-section (1) of section 3 of this Act; | Definitions |
| | 2.(b) | "Academic Council" means the Academic Council of the National Institute of Hospitality Management constituted under sub-section (2) of section 14 of this Act. | |
| | 2.(c) | "Academic Chapter" means a Central Government/State Government/ PSU/Private Sector/joint venture run Institute of Hotel Management declared by NIHM as its Academic Chapter to run courses in the field | |

of hotel management, hospitality management, culinary Art, catering, food & nutrition, tourism management, healthcare management, retail services management, other such service sectors and allied field thereof as designed by NIHM;

- 2.(d) **“Board”** means the Board of Governors of the National Institute of Hospitality Management constituted under sub-section (1) of section 11 of this Act;
- 2.(e) **“Central Government”** means Ministry of Tourism or Department in the Central Government dealing with the subject.
- 2.(f) **“Chairperson”** means the Chairperson of the Board of National Institute of Hospitality Management nominated under clause (a) of sub-section (1) of section 11 of this Act;
- 2.(g) **“Chief Executive Officer”** means the Chief Executive Officer of the National Institute of Hospitality Management (NIHM) appointed under section 17 of this Act;
- 2.(h) **“Fund”** means the Fund of the National Institute of Hospitality Management to be maintained under section 21 of this Act;
- 2.(i) **“Hospitality Management”** means the professional practices associated with the commissioning, administration and operation of hotels, resorts, catering, culinary Art, retail services, food production, lodging establishments, food nutrition and healthcare management and any other such profession of hospitality;
- 2.(j) **“IHM”** means the Institutes of Hotel Management and Catering Technology established by either the Central Government or State Governments or run by a public sector undertaking or by the Private Sector or a joint venture;
- 2.(k) **“National Institute of Hospitality Management”** means the body established under sub-section (1) of section 3 of this Act, hereinafter called NIHM;
- 2.(l) **“National Institute of Hospitality Management Campus”** means a campus located at Noida or any other place in India or abroad as may be decided by the Board;
- 2.(m) **“Senate”** means the Senate of the National Institute of

Hospitality Management referred to in section 13 of this Act;

- 2.(n) **“Society”** means the National Council for Hotel Management and Catering Technology, New Delhi registered as a society under the Societies Registration Act, 1860;
- 2.(o) **“Statutes” “Regulations” and “Ordinances”** mean respectively the Statutes, Regulations and the Ordinances of the National Institute of Hospitality Management made under this Act;

CHAPTER II

3. 3.(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established the National Institute of Hospitality Management as a body corporate by the name aforesaid. **Establishment of National Institute of Hospitality Management**
- 3.(2) The National Institute of Hospitality Management shall have perpetual succession and a common seal with powers subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue or be sued.
4. 4.(1) On and from the appointed day, subject to the other provisions of this Act, all properties vested in the NCHMCT Society, immediately before the commencement of this Act, shall on and from such commencement, vest in the NIHM. **Vesting of properties**
- 4.(2) No bequest, donation or transfer of any property shall be accepted by the NIHM, which in the opinion of the Board involves conditions or obligations opposed to the spirit and objects of this section.
5. On and from the appointed day –
- 5.(a) any reference to the NCHMCT Society in any contract or other instrument shall be deemed as a reference to the NIHM; **Effect of incorporation of the Institute**
- 5.(b) all the rights and liabilities of the NCHMCT Society shall be transferred to, and be the rights and liabilities of the NIHM; and
- 5.(c) every person in regular employment of the NCHMCT Society, immediately before the appointed day, shall

continue to hold office or service in the National Institute of Hospitality Management by the same tenure and in the same terms and conditions and with the same rights and privileges with regard to pension, leave, gratuity, provident fund and other matters as would have been the case had this Act not been passed, immediately on and after the appointed day till such time such person's employment is terminated or until such time the aforesaid service conditions are duly altered by the Statutes of the NIHM.

Provided that if the alterations to the service conditions so made is not acceptable to such employee, his/her employment may be terminated by the National Institute of Hospitality Management in accordance with the terms of the contract with the employee or, if no provision is made therein on this behalf, on payment to him/her by the National Institute of Hospitality Management of compensation equivalent to three months' remuneration in the case of permanent employee and one month's remuneration in the case of other employee. Other terminal benefits as applicable will be admissible.

- 6 The objects of the Institute shall be to disseminate advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit; to make special provisions for integrated courses in the field of hotel management, hospitality management, travel and tourism management, catering, food & nutrition, healthcare management, retail services management, other service sectors and allied field thereof; to take appropriate measures for promoting innovations in teaching-learning process and inter-disciplinary studies and research; to educate, regulate, train and skilling manpower for the development of the country; to establish linkages with industries for the promotion of latest technology; and to pay special attention to the improvement of the social and economic conditions and welfare of the people, their intellectual, academic and skill development.

Objects of the Institute

- 7 (1) The Powers and functions of the National Institute of Hospitality Management shall be –

Powers and Function of the Institute

- 7(1)(i) Regulation and coordination of academic content and research in the field of hotel management, hospitality management, catering, food & nutrition, culinary Art, travel and tourism, healthcare management, retail services management, other service sectors and allied field thereof, for the NIHM and its Academic Chapters;

- 7(1)(ii) to develop and conduct academic programmes for the following industries viz- hotel, hospitality, catering, healthcare, culinary Art, travel and tourism, retail services, other service sectors and allied field thereof, that rely on important human resources leading to award of Certificate, Diploma, Graduate, Post Graduate, Doctoral and Post-Doctoral level degrees and also consulting related to those fields;
- 7(1)(iii) to nurture and promote quality and excellence in education and research in the areas relating to skill, operation and management of the establishment of hotel, hospitality, catering, healthcare, retail services, other service sectors and allied field thereof;
- 7(1)(iv) to declare the Central Government/ State Government/ PSU/Private Sector/joint venture run IHMs and other institutes in hospitality and allied tourism sector as its Academic Chapters with effect from the date of enactment of this Act, for academic delivery of courses;
- 7(1)(v) To issue statutes/ regulations as to the suitability of the IHMs and other institutes in hospitality and allied tourism sector for incorporation as the Academic Chapters of the NIHM, covering the following amongst others;
- (a) Prescriptions of standards for buildings and equipment of the Academic Chapters;
 - (b) Prescription of educational qualifications, experience and other standards as well as salary structure for the members of academic faculty of the Chapters; and deputing them for further training etc. in India or abroad, either sponsored by NIHM or at the cost of the chapter, as the case may be;
 - (c) Conducting common eligibility test for the members of teaching faculty of NIHM and its Academic Chapters;
 - (d) Prescription of educational and other qualifications for admission of students to the Chapters;
 - (e) Prescription of the manner of admission of students to the Chapters;

- (f) Admit the candidates to examinations conducted by it;
 - (g) Prescription of fees for the various courses in respect of NIHM and its Academic Chapters and the manner governing receipt thereof.
 - (h) Conduct of term end examinations for promotion from lower to higher classes and also for awarding certificates, diplomas, degrees or any other qualification;
 - (i) Publication of results of examinations conducted by it;
- 7(1)(vi) Award of degrees to students who have completed the prescribed courses of study in NIHM and in the Academic Chapters and have passed the examinations conducted by it;
- 7(1)(vii) to institute fellowships, scholarships and confer awards, honorary degrees or other academic distinctions or titles;
- 7(1)(viii) to co-operate, associate and collaborate with educational or other institutions, research organizations or bodies corporate in any part of the world having objects wholly or partly similar to those of NIHM by exchange of faculty members, students, staff and scholars and generally in such manner as may be conducive to their common objective;
- 7(1)(ix) to conduct courses for teachers, technologists, hoteliers and other professionals in the areas of hotel management, hospitality management, culinary art, catering, tourism management, healthcare management, retail services management, other service sectors and allied field thereof;
- 7(1)(x) to cooperate with other authorities and bodies in such manner and for such purposes as may be necessary for giving effect to the objects of the NIHM;

- 7(1)(xi) to promote the general advancement of education, technical and otherwise, amongst members of and those connected with, and the educational and professional interests of the hospitality and catering industry;
- 7(1)(xii) to devise and impose means for testing the qualifications of persons already working in the industry to grant recognition to their professional attainments and to form Rules and Bye-laws for such recognition and all matters incidental thereto;
- 7(1)(xiii) to advise the Government on coordinated development of Hospitality Administration and Catering Education and training regarding the same; and on such other matters as the Government may require;
- 7(1)(xiv) to do all other such lawful acts and things as may be necessary or incidental or conducive to the attainment of all or any of the objects of the NIHM;
- 7(1)(xv) 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;
- 7(1)(xvi) to deal with any property belonging to or vested in the NIHM in such manner as the National Institute of Hospitality Management may deem fit for advancing its functions;
- 7(1)(xvii) to borrow and raise money with or without security of any Mortgage, hypothecation or pledge of any or all of the immovable properties belonging to the National Institute of Hospitality Management or in any other manner whatsoever, only with the prior approval of the Central Government;
- 7(1)(xviii) to print, publish and exhibit magazines, periodicals, newsletters, books, pamphlets or posters that may be considered desirable for the promotion of the objects of the NIHM;
- 7(1)(xix) to undertake research, survey and studies in area of hotel management, hospitality management, culinary art, travel and tourism management, catering, food & nutrition, healthcare management, retail services management, other service sectors and allied field thereof; and application thereof, including the

integration of latest trends and techniques in the trade and international marketing and also permit to undertake similar assignment by it's Academic Chapters;

- 7(1)(xx) to collect, publish and maintain literature and materials available in the area of hotel management, hospitality management, catering, food & nutrition, healthcare management, retail services management, other service sectors and allied field thereof;so as to develop a modern information and resource centre within the country;
- 7(1)(xxi) to develop an international centre for creation and transmission of information, with focus on educational, professional and industrial commitments;
- 7(1)(xxii) to conduct skill development programs and to provide technical assistance to entrepreneurs, craftsmen, cooks, food outlet operators waitersskill level untrained workforce of the related field and general public;
- 7(1)(xxiii) to have a centre to experiment and innovate and to train persons in the field of hotel management, hospitality management, catering, food & nutrition, culinary art, travel and tourism management, healthcare management, retail services management, other service sectors and allied field thereof;
- 7(1)(xxiv) to organize national or international symposia, seminars, conferences and exhibitions in the field of Hospitality Administration, Catering Technology and other allied activities;
- 7(1)(xxv) to arrange courses catering to the special needs of the developing countries;
- 7(1)(xxvi) to design, develop, amend, update curriculums of the academic programs and training materials as per the sector's requirement and change of technology and management technique;
- 7(1)(xxvii) to acquire any patent or license relating to such invention, improvement or design or standardization

marks whether for general or specific purposes;

- 7(1)(xxviii) to function as a National resource centre for curriculum development, training the trainers and support skill development in the sector overall;
 - 7(1)(xxix) to frame the Statutes, Regulations and the Ordinances and to alter, modify or rescind the same;
 - 7(1)(xxx) to act as a catalyst for interface between academia and industry by encouraging exchange of hospitality professionals and other technical personnel between the NIHM, its Academic Chapters and the industry and by undertaking sponsored and funded research as well as consultancy projects by the NIHM; and
 - 7(1)(xxxi) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institute.
- 7.(2) in exercising its powers and functions referred to in sub-section (1) above, it shall be the endeavour of the Institute to maintain an all-India character and high standards of teaching and research, and the Institute shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:–
- 7(2)(i) admission of students and recruitment of faculty either in the Institute or in the Academic Chapters shall be made on all-India basis;
 - 7(2)(ii) admissions of students shall be made on merit, either through Common Entrance Tests conducted by the Institute or by the individual Academic Chapters, or on the basis of marks obtained in the qualifying examination in such courses where the intake of students is small;
 - 7(2)(iii) inter-Chapter mobility of faculty and staff with portable pensions and protection of seniority, shall be encouraged, if technically viable;
 - 7(2)(iv) semester system, continuous evaluation and credit system shall be introduced and the Institute shall enter into agreements with other Universities and academic institutions, either national or international, for credit

transfer and joint degree programmes;

7(2)(v) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

7(2)(vi) active participation of students shall be ensured in all academic activities of the Institute and the Academic Chapters, including evaluation of teachers;

7(2)(vii) accreditation shall be obtained from the accrediting agency at the national level; and

7(2)(viii) e-governance shall be implemented with an effective management information system.

8. The jurisdiction of the National Institute of Hospitality Management (NIHM) shall extend to the whole of India.

Jurisdiction

9. The National Institute of Hospitality Management shall be open to persons of all genders and of whatever caste, creed, race or class, and it shall not be lawful for the National Institute of Hospitality Management to adopt or impose on any person any test whatsoever of religious belief or profession in admitting or appointing members, students, researchers, staff or workers or in any other connection whatsoever.

Institute be open to all races, creeds and classes

Provided that nothing in this section shall be deemed to prevent the National Institute of Hospitality Management from making special provisions for the employment or admission of women, physically handicapped or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

10. The following shall be the authorities of the National Institute of Hospitality Management, namely:-

Authorities of Institute

(a) a Board of Governors;

(b) a Senate;

(c) an Academic Council; and

(d) such other authorities as may be declared by the Statutes to be the authorities of the NIHM.

11. (1) The constitution of the Board of Governors of the National Institute of Hospitality Management shall be as follows:-

Constitution of

- (a) Chairperson, the Secretary to the Government of India, Ministry of Tourism, *ex-officio*;
- (b) the Chief Executive Officer of the NIHM, *ex-officio*;
- (c) the Financial Adviser of the Ministry of Tourism, Government of India, *ex-officio*;
- (d) the Joint Secretary level Officer in the Ministry of Tourism dealing with the Human Resource Development Division, *ex-officio*;
- (e) the Joint Secretary level officer of Department of Higher Education, Ministry of HRD, Government of India, to be nominated by Secretary, Ministry of HRD, Government of India, *ex-officio*;
- (f) Chairman, BoG of two Central Institutes of Hotel Management declared as Academic Chapter of NIHM to be nominated by Central Government;
- (g) Principals/heads of two Central Institutes of Hotel Management or any other institute declared as Academic Chapter of National Institute of Hospitality Management to be nominated by the Central Government;
- (h) two eminent experts in Hospitality or tourism or general Management, to be nominated by the Central Government; and
- (i) Registrar of the NIHM will act as Ex Officio Secretary in the Board.

Constitution of the Board shall be made by the Central Government by notification as and when required to do so

- 11(2) The term of office of the members of the Board other than *ex-officio* members thereof shall be three years and they shall be entitled for such allowances as may be determined by the Central Government.
- 11(3) The Central Government shall have the powers to remove its nominated members, if it considers it appropriate to do so.

11(4) No member shall be removed under sub-section (3) unless he has been given a reasonable opportunity of being heard in the matter.

11(5) The term of office of members of the Board nominated to fill a vacancy shall continue for the remainder of the term of the member in whose place he/ she has been nominated.

11(6) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations

Meetings of Board

11(7) The office of member of the Board of Governors shall not disqualify its holder for being a member of either House of the Parliament.

12. (1) Subject to the provisions of this Act, the Board, shall be responsible for the general superintendence, direction and control of the affairs of the National Institute of Hospitality Management and shall exercise all the powers not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate and Academic Council.

Powers of Board

12(2) Without prejudice to the provisions of sub-section (1), the Board shall –

(i) take decisions on questions of policy relating to the administration and functioning of the NIHM;

(ii) take decisions on the establishment of new campuses of the National Institute of Hospitality Management at any location in India or abroad;

(iii) fix, demand and receive fees and other charges;

(iv) institute academic and other posts;

(v) frame Statutes, Regulations and Ordinances and to alter, modify or rescind the same;

(vi) institute and award fellowships, scholarships, prizes and medals;

(vii) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of

the National Institute of Hospitality Management for the previous financial year as it thinks fit together with a statement of its development plans for subsequent financial years;

(viii) appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act. The terms and other conditions of service of officers and other employees of the Board appointed under sub-section (1) shall be such as may be determined by regulations.

(ix) receive gifts, grants, donations or benefactions from the Government or elsewhere and to receive bequests, donations and transfers of movable or immovable properties from the testators, donors or transferors, as the case may be; And

(x) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the aforesaid powers;

12(3) The Board may, by a general or special order in writing, also form committees of the members and delegate to them the powers and functions of the Authority as may be specified by the regulations.

12(4) The Board may, by general or special order in writing, delegate to any member, officer of the Institute or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers under section 12(1) as it may deem necessary.

12(5) Notwithstanding anything contained in sub-section (2) of section 3, the Board shall not dispose of in any manner any immovable property without the prior approval of the Central Government.

12(6) The Central Government may appoint one or more persons to review the work and progress of the National Institute of Hospitality Management and hold inquiries into the affairs thereof and to report thereon in such manner as the Central Government may direct.

12(7) Upon receipt of any such report, the Central Government

may take such action and issue such directions as it considers necessary in respect of any of the matters dealt within the report and the National Institute of Hospitality Management shall be bound to comply with such directions.

13. (1) The constitution of the Senate of the National Institute of Hospitality Management shall be as follows:- **Senate**
- (a) the Chief Executive Officer, ex officio who shall be the Chairman of the Senate;
 - (b) Principals/heads of three Sponsored Chapters to be nominated by the Chairperson of the Board;
 - (c) Four persons, who are not employees of the National Institute of Hospitality Management or Chapter, to be nominated by the Chairperson in consultation with the Chief Executive Officer, from amongst educationists of repute, one each from the fields of food production/ culinary art, food & beverage service management, retail services management/travel and tourism management and accommodation management;
 - (d) one alumnus of an Academic Chapter of the NIHM to be nominated by the Chairperson in consultation with the Chief Executive Officer by rotation;and
 - (e) Registrar of the NIHM will act as Ex Officio Secretary in the Senate;
- 13(2) Constitution of the Senate shall be made by the Chairperson in consultation to the Chief Executive Officer and will be notified by the Institute as and when required to do so
14. (1) The Academic Council shall be the principal academic body of the Institute and shall, subject to the provisions of this Act, the Statutes and the Ordinances, coordinate and exercise general supervision over the academic policies of the Institute. **Academic Council**
- 14(2) The constitution of the Academic Council of the National Institute of Hospitality Management shall be as follows through a notification by the Institute with the approval of the Chairperson of the Board:-
- i. Chairman, Chief Executive Officer of the National Institute of Hospitality Management, ex-officio;
 - ii. Members – Three Principals/heads of Academic

Chapters of NIHM by rotation (One each from Central Sponsored, State Sponsored and Private Chapters/Food Craft Institute) - to be nominated by the Chairperson of the Board;

- iii. Two HODs from each of the core area of Hospitality and tourism (Food Production, F & B Service, House Keeping, Front Office and Travel & Tourism) from Academic Chapters to be nominated by the Chairperson of the Board in consultation with the Chief Executive Officer (10 members)
- iv. Four experts of renowned Management Institutes – one each from the field of Financial Management, Human Resource Management, Strategic Management and Sales & Marketing Management, to be nominated by the Chairperson of the Board in consultation with the Chief Executive Officer
- v. Four experts from the area of cuisine, retail and other niche area of tourism and hospitality to be nominated by the Chairperson in consultation with the Chief Executive Officer
- vi. Director (Academics & Research), National Institute of Hospitality Management;
- vii. Director (Studies & Examination), National Institute of Hospitality Management; and
- viii. Registrar of the NIHM will be Ex Officio Secretary in the Academic Council, ex-officio.

14(3) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Regulations:

- 15. Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the National Institute of Hospitality Management shall have the control and general regulations, and be responsible for the maintenance of standards of instruction, education and examination in the Institute and its Academic Chapters and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

Teaching

All teaching at the campus of the NIHM and at the Academic Chapters shall be conducted by or in the name of the Institute of Hospitality Management in accordance with the statutes and the ordinances made in this behalf.

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| 16. | (1) | The Chairperson shall ordinarily preside at the meetings of the Board and at the Convocations of the NIHM. | Chairperson of the Institute and powers |
| | 16(2) | The Chairperson shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes. | |
| 17 | 17(1) | The Chief Executive Officer of the National Institute of Hospitality Management shall be appointed by the Government of India on the recommendation of Search-cum-Selection committee, for a tenure of five years as provided for in the Statutes of the National Institute of Hospitality Management. | Chief Executive Officer of the Institute and powers |
| | 17(2) | The Chief Executive Officer shall be the chief executive officer of the National Institute of Hospitality Management and shall be responsible for the proper administration of the National Institute of Hospitality Management and for imparting of instruction and maintenance of discipline therein. | |
| | 17(3) | The Chief Executive Officershall submit annual reports and accounts to the Board. | |
| | 17(4) | The Chief Executive Officershall exercise such other powers and perform such other duties as may be assigned to him by this Act, Statutes, Regulations, Ordinances and by the Board. | |
| | 17(5) | The Central Government shall have the power to remove the Chief Executive Officerbefore the tenure of five years, if it considers it appropriate to do so. | |
| 18 | 18(1) | The Registrar of the National Institute of Hospitality Managementshall be appointed by the order of the Board, on the recommendation of the Selection Committee, on such terms and conditions as may be laid down by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge. | Registrar of the Institute and powers |
| | 18(2) | The Registrar shall act as the Ex Officio Secretary of the Board, the Senate, the Academic Council and such | |

committees as may be prescribed by the Statutes.

- 18(3) The Registrar shall be responsible and report to the Chief Executive Officer for the proper discharge of his functions.
- 18(4) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes, Regulations, Ordinances, Board or by the Chief Executive Officer.
- 19 The powers and duties of authorities and officers, other than those mentioned hereinabove, shall be determined by the Statutes. **Power delegation**
- 20 For the purpose of enabling the National Institute of Hospitality Management to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Institute of Hospitality Management in each financial year such sums of money and in such manner as it may think fit. **Grant of Central Government**
- 21 21(1) The National Institute of Hospitality Management shall maintain a Fund to which shall be credited – **Funds of the Institute**
- (a) all moneys provided by the Central Government;
- (b) all fees and other charges received by the National Institute of Hospitality Management;
- (c) all moneys received by the National Institute of Hospitality Management by way of grants, gifts, donations, benefactions, bequests or transfers; and
- (d) all moneys received by the National Institute of Hospitality Management in any other manner or from any other source.
- 21(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the National Institute of Hospitality Management may, with the approval of the Board, decide.
- 21(3) The fund shall be applied towards meeting the expenses of the National Institute of Hospitality Management including expenses incurred in the exercise of its powers and discharge of its duties under this Act.
22. Notwithstanding anything contained in section 19, the Central Government may direct the National Institute of Hospitality **Endowment fund**

Management to:

- (a) set up an endowment fund and any other fund for specified purpose; and
- (b) transfer money from its Fund to endowment fund or any other fund.

23. 23(1) The National Institute of Hospitality Management shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form as may be specified, in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor General of India. **Annual Accounts and it's Audit**
- 23(2) The accounts of the National Institute of Hospitality Management shall be audited by the Comptroller and Auditor General of India and any expenditure incurred by NIHM in connection with such audit shall be payable by the National Institute of Hospitality Management to the Comptroller and Auditor General of India.
- 23(3) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of the accounts of the National Institute of Hospitality Management shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor General of India, generally has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Institute of Hospitality Management.
- 23(4) The accounts of the National Institute of Hospitality Management as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.
24. 24(1) The National Institute of Hospitality Management shall constitute, for the benefit of its employees, including the Chief Executive Officer, in such manner and subject to such conditions as may be prescribed by the Statutes, such as pension, insurance/other benefits and provident funds as it may consider necessary. **Pension and Provident fund**

24(2) Where any such provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 and as amended by Government of India from time to time shall apply to such fund as if it were a Government Provident Fund.

25. All appointments of the staff of the National Institute of Hospitality Management, except that of the Chief Executive Officer, shall be made in accordance with the procedure laid down in the Statutes by –

Appointment

25(a) the Board, if the appointment is made in group 'A' and

25(b) the Chief Executive Officer, in any other case.

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-

Statutes

26(a) The regulation for Academic Chapters and their governance system

26(b) the formation of departments;

26(c) the classification, the method of appointment and the determination of the terms and conditions of service of officers and other staff of the National Institute of Hospitality Management;

26(d) the reservation of posts for persons belonging to the Scheduled Castes, the Scheduled Tribes, other backward categories and any other reservation category as may be determined by the Central Government;

26(e) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the NIHM;

26(f) the constitution, powers and duties of the authorities of the NIHM;

26(h) the manner of filling up of vacancies among members of the Board;

26(i) the authentication of the orders and decisions of the Board;

26(j) the meetings of the Academic Council and Senate, the quorum at such meetings and the procedure to be followed in the conduct of their business; and

- 26(k) the institution of fellowships, scholarships, exhibitions, medals and prizes;
- 26(l) any other matter which by this Act is to be or may be prescribed by the Statutes.
27. 27(1) The first Statutes of the National Institute of Hospitality Management (to regulate the Academic Chapters and their governance) shall be framed along with the NIHM Act as an appendix to the NIHM Act 2018. **Statutes how to be framed**
- 27(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes with the previous approval of the Central Government and a copy of the same shall be laid as soon as may be before each House of Parliament.
- 27(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the prior approval of the Central Government who may assent thereto or withhold assent or remit it to the Board for consideration.
- 27(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Central Government.
28. Subject to the provisions of this Act, the Regulations may provide for all or any of the following matters, namely:- **Regulations**
- 28(a) The Area norms of all academic and administrative area required for the Academic Chapters and total land area requirement
- 28(b) The requirement of Equipment and other facilities in the Academic Chapters
- 28(c) Prescribing Student- Teacher ratio and the requirement of teachers in each category
- 28(d) Minimum qualification, Experience of the teaching Faculties and their minimum salary
- 28(e) to undertake consultancy under the Academic Chapters
- 28(f) Safety Standard Manual to be followed by the Chapters
- 28(g) Accreditation and Academic audit process
29. (1) Save as otherwise provided in this Act, Regulations shall **Regulations how**

be made by the Board to give effect to any or all the objectives of the NIHM as listed in Section 6 hereinabove;

to frame

29(2) All Regulations made by the Board shall have effect from such date as it may direct.

29(3) The Board shall have power, by resolution, to modify or cancel any such Regulation and such Regulation shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

30. Subject to the provisions of this Act and the Statutes, the Ordinances of the National Institute of Hospitality Management may provide for all or any of the following matters, namely:-

Ordinances

30(a) the admission of the students to the Academic Chapters;

30(b) the reservation for the members of Scheduled Castes, the Scheduled Tribes and other backward classes;

30(c) the courses of study to be laid down for all academic courses of the NIHM and its Academic Chapters;

30(d) the conditions under which students shall be admitted to the various courses and to the examinations and the conditions and manner for award of degrees, diplomas and certificates;

30(e) the conditions and manner for award of fellowships, scholarships, exhibitions, medals and prizes;

30(f) the conditions and mode of appointment and duties of examining body, examiners and moderators;

30(g) the conduct of examinations;

30(h) the maintenance of discipline among the students and staff of the NIHM;

30(i) the fees to be charged for courses of study in the Institutes and for admission to the examinations of the NIHM and its Academic Chapters; and

30(j) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

31. (1) Save as otherwise provided in this section, Ordinances shall be made by the Senate.

Ordinance how to frame

- 31(2) All Ordinances made by the Senate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board at its subsequent meeting.
- 31(3) The Board shall have power, by resolution, to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.
32. Any dispute arising out of a contract between the National Institute of Hospitality Management and any of its employees shall, at the request of the employee concerned or at the instance of the NIHM, be referred to a Tribunal of Arbitration consisting of one member appointed by the NIHM, one member nominated by the employee and an umpire appointed by the Central Government.

Tribunal of Arbitration

CHAPTER III

MISCELLANEOUS

- 33 No act of the National Institute of Hospitality Management or Board or Senate or any other body set up under this Act or the Statutes, shall be invalid merely by reason of –
- 33(a) any vacancy in, or defect in the constitution thereof; or
- 33(b) any defect in the election, nomination or appointment of a person acting as a member thereof; or
- 33(c) any irregularity in its procedure not affecting the merits of the case.
- 34 Notwithstanding anything contained in this Act, whenever the National Institute of Hospitality Management receives funds from any Government or any other agency including industry sponsoring a research scheme or a consultancy assignment or a teaching programme or a chaired professorship or a scholarship, etc. to be executed or endowed at the NIHM:-
- 34(a) the amount received shall be kept by the National Institute of Hospitality Management separately from the Fund of the National Institute of Hospitality Management and utilised only for the purpose of the scheme; and
- 34(b) the staff required to execute the same shall be recruited

Act and proceedings not to be invalidated by vacancies

Sponsored schemes and consultancy

in accordance with the terms and conditions stipulated by the sponsoring organizations/ authority;

34(c) Provided that any money remaining unutilised shall be transferred to the endowment fund created under section 20 of this Act.

35 The National Institute of Hospitality Management shall have the powers to grant degrees and other academic distinctions under this Act, which shall be equivalent to such corresponding degrees and other academic distinctions granted by any University or Institute established or incorporated under any other law for the time being in force.

Power to Institute to grant Degree etc.

36 The provisions of the 'Right to Information Act 2005' shall apply to the Institute, as if it were a public authority as defined in clause (h) of Section 2 of the Right to Information Act, 2005.

Institute to be public authority under RTI Act 2005

37 (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not inconsistent with the purposes of this Act, as appears to it to be necessary or expedient for removing the difficulty;

Power of Central Government to make rules

Provided that no such order shall be made after the expiry of two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

38 Notwithstanding anything contained in this Act –

(a) the Board of Governors of the Society functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for the National Institute of Hospitality Management under this Act, but on the constitution of a new Board under this Act the members of the Board holding office before such constitution shall cease to hold office; and

Transitional provision

(b) until the first Statutes and the Ordinances are made under this Act, the rules and regulations, instructions and guidelines of the Society as in force, immediately before the commencement of this Act, shall continue to apply to the National Institute of Hospitality Management in so far as they are not inconsistent with the provisions of this Act.

- 39 (a) The Chairperson and other members and officers and other employees of the Institute shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.
- (b) No suit, prosecution or other legal proceedings shall lie against the Central Government or the NIHM or any officer of Central Government or any member, officer or other employees of the NIHM for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.
- 40 (1) Every Statute, Regulations or Ordinance made under this Act shall be published in the Official Gazette.
- (2) Every Statute, Regulation or Ordinance made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute or Ordinance or both Houses agree that the Statute, Regulations or Ordinance should not be made, the Statute, Regulations or Ordinance shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Regulations or Ordinance.
- (3) The power to make Statutes, Regulations or Ordinances shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act to Statutes, Regulations or Ordinances or any of them but no retrospective effect shall be given to any Statute, Regulations or Ordinance so as to prejudicially affect the interests of any person to whom such Statutes, Regulations or Ordinances may be applicable.
- 41 (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not inconsistent with the purposes of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the

Legal protection

Statutes and Regulations to be published in the Official Gazette and to be laid before Parliament

Powers to remove difficulties

expiry of two years from the date of commencement of this Act.

- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.