

Guidelines for Consultancy Project:

1.1. Preamble

In the light of the changing economic scenario at the global, national and local levels, the importance of industry–academia-interaction has assumed pivotal importance. This interaction could be in the form of industrial consultancy, environmental impact assessment and sponsored research. In fact, it is being emphasised that faculty members should disseminate their academic knowledge and expertise to external organisations, including government, public sector bodies, community groups and businesses. What is being emphasized upon is that institutions of higher learning, including universities have to utilize their depth and breadth of multidisciplinary research base to rise up to the challenges faced by society and state. It is in this backdrop that University Grants Commission (UGC), Ministry of Human Resource Development (MHRD) and other regulatory bodies including National Assessment and Accreditation Council (NAAC) identify research, innovation and consultancy as one of the core spheres of activity in the institutions of higher learning. Therefore, as a matter of policy, the University of Kashmir encourages its faculty members to undertake consultancy work for the effective utilization of their expertise in the interest of the society. Consultancy projects benefit faculty members and University both academically and financially. Consultancy services enrich the professional experience and knowledge of faculty members and thus keep them abreast with the changing socio-economic and developmental environment. While the University encourages faculty members to undertake consultancy projects, it is implied that consultancy work under any circumstance shall not hamper the primary duties of faculty involved in consultancy.

2.0 Definitions and General Rules

2.1 Definitions

University

University of Kashmir, Srinagar

2.1.1 Department

All approved academic departments and academic will be covered by the word 'Department' for the purpose of these rules.

2.1.2 Research Centre

All approved research Canters of University of Kashmir will be covered by the word 'Research Centre' for the purpose of these rules.

2.1.3 Vice-Chancellor

Vice Chancellor, University of Kashmir, Srinagar.

2.1.4 Dean Research

Dean Research, University of Kashmir, Srinagar

2.1.5 Dean

Dean of School/Faculty, University of Kashmir, Srinagar.

2.1.6 Head/Coordinator

Head/Coordinator of the Academic /Teaching Department

2.1.7 Director

Director of Research Centre/Department wherever applicable.

2.1.8 Institutional Consultancy

Consultancy offered by University, government institutes, ministries, international bodies, NGO, Corporations , organizations, trusts, private institutes including HRD activities in continuing education centre etc.

2.1.9 Industrial Consultancy

Consultancy offered by industries, consulting firms, companies and individuals etc.

2.1.10 EIA Coordinator (EC)

Faculty member of the University accredited and recognised by NABET (National Accreditation Board of Education and Training), QCI (Quality Council of India)/or any other relevant body.

2.1.11 Lead Consultant (L.C)

Faculty member of any Department/Centre who will act as leader of the consultancy project.

2.1.12. Consultant

Faculty member and/ or team of faculty members/scientist/employee providing consultancy.

2.1.13. Functional Area Expert (FAE)

Faculty member of the University accredited and recognized by NABET/QCI for a particular sector

2.1.14. Functional Area Associate

Young Postgraduate and Research Scholars of the University who can work under FAE for category B projects under the guidance of approved FAEs.

2.1.15 Team Member

Faculty members/Professionals involved in Environmental Impact Assessment EIA having experience in their respective functional areas but lack any EIA related experience

2.1.16 Mentor

Senior faculty members/ Senior professionals who have formidable expertise and may not be able to visit the project sites but their experience and expertise may be utilized to train the Functional Area Associates/ EIA Team Members.

2.1.17 Consultancy Project

A project involving any individual faculty member/Department/Research Centre/Functionary of University and use of University facilities and intellectual inputs of the faculty will be treated as Consultancy Project.

3.1 Initiation and Management of a Consultancy Project

Faculty members are encouraged to take up consultancy projects with the prior approval of the Dean Research, University of Kashmir. Departments may also take up Consultancy work through the Head of the concerned Department with the permission of Dean Research. A Consultant in each individual consultancy project will be responsible for the submission of project which may include nature and planning of work to be executed, financial quote for the consultancy work, communication with clients, submission of intermediate/progress/ draft/final reports as per agreed MoU. The Lead consultant will be responsible for identification of other Investigator/Consultant, if necessary, who shall also be faculty member(s)/Scientist(s) in the service of the University. Besides he/she will also be responsible for co-ordination and execution of work, framing of MoU with clients, ensuring that all reports/certificates bear the name and signature of all consultants who participated in the project. The monetary charges comprising consultancy fee and other related expenditures for consultancy services to be offered shall be the prerogative of the Lead Consultant and his/her team members/individual consultant (whichever is applicable) and the client. Information regarding the completion of the consultancy project shall be intimated to the Dean Research immediately after the project has been completed in all respects. The Lead Consultant/Consultant will seek one time approval from the competent authority for utilization of consultancy grant for various activities like travel, consumables, remuneration to engaged staff/assistants, honorarium to consultants, stationary and other incidental costs during the course of consultancy project. The proposals for such approvals shall be routed through Dean Research.

3.2 Consultancy Fee

It shall be decided mutually by the Lead Consultant/Consultants and the client and the amount of the fee shall depend upon the type of work, time period during which consultancy services are to be provided, scope of field work, travel requirements, contingencies etc. While estimating the amount of the fee, the Lead Consultant/Consultant shall keep in mind that only a part of the total consultancy grant (which is equal to the total consultancy grant minus the actual expenditure incurred) is available for distribution among the Consultants/engaged staff/assistants/University as per the scheme provided in these guidelines. The total and agreed upon charges of a Consultancy project will consist of the actual expenses to be incurred on providing the services, University share, and the honorarium to be distributed among the consultants involved in the consultancy project. The consultancy fee to be charged from the Client shall be payable to the University in a maximum of three installments or less. The first instalment comprising 50% of the total budget shall be paid to the University after the MoU is signed between the client and the representative of the University to kick-start the consultancy services. The second instalment of 40% should be released once the progress report/draft report is submitted to the client and the third instalment comprising 10% of the sanctioned grant shall be paid to the University within one month after the submission of the final report to the client. The University may undertake any lab testing jobs at a standard fee wherever stipulated; otherwise the charges may be worked out by the faculty member/Department/Centre who/that will supervise the testing work.

All the fees on account of Consultancy Projects shall be received in the name of the University of Kashmir. While accepting the individual Consultancy assignments, it is binding upon the Consultants to open a separate interest earning Bank account pledged to Dean Research and having intimated to the Dean Research to receive the funds. The said account will be operated by the concerned consultant. The Lead consultant/ consultant is required to maintain all records for audit as and when ordered by the University. One time authorization for expenditure under a consultancy project shall be required to be sought by the Lead Consultant/Consultant from the Vice Chancellor through Dean Research. The concerned consultant shall submit the Utilization Certificate based on duly processed bills/vouchers etc signed by the Chartered Account, Finance Officer of the University and Dean Research for the client as per the MoU. There shall be no bar on the amount of consultancy fee to be charged for undertaking consultancy assignments by a faculty/staff/department/institution. The mode of expenditure shall be strictly in accordance with the prescribed codal procedure.

Annexure to circular bearing No No:-F(consultancy-guidelines)DRES/KU/20 Dated:- 20th August, 2020 governing adoption of consultancy guidelines by the University Council at its meeting held on 05-06-2020.

The amount received on account of providing consultancy services by a faculty member/department/centre/university shall be utilized as per the following break-up.

3.3 University Development Fund (UDF)

20% of the cost of consultancy project excluding taxes applicable shall be charged as 'overhead costs' which shall be transferred to the Local Fund of Dean Research.

3.4 Distribution of Consultancy Fee

The fees received by the Lead Consultant/Consultant on account of honorarium in a financial year, shall be shared by the Consultant with the University in the following manner:

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|------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| i. | Consultancy fee received amounting to about 30% of the Salary (Basic+ DA+ CCA) | No sharing (all be kept by the Consultant) |
| ii. | Consultancy fee received amounting to more than 30% of the salary | Sharing in the ratio of 70:30 between the Consultant and the University |
| iii. | Consultancy fee received which is more than the total salary of the consultant | Sharing in the ratio of 50:50 between the Consultant and the University |

EXAMPLE

A consultant drawing a salary of Rs. 2,00,000 p.a. (Basic+DA+CCA), if granted permission to accept a consultancy or similar assignment receives consultancy money/ honorarium etc. of Rs. 2,50,000/- in a particular year and the money received by him will be shared as under:

Money received equivalent to first 30% of the salary i.e. Rs. 60,000/-	No sharing
Money received equivalent to next 70% of the salary i.e. Rs. 1, 40,000/-	Consultant share: Rs. 98,000/- University share: Rs. 42,000/-
Money received beyond the salary i.e. Rs. 50,000	Consultant share: 25,000 University share: 25,000

Thus, out of the amount received on account of above, the Consultant's share will be Rs. 60000+Rs. 98000+Rs. 25000 i.e. Rs. 1,83,000/- and University will get Rs. 67,000/-

3.5 Limit on Total Remuneration by Consultants

3.5.1 There shall be no limit on the total remuneration to be received by a consultant from consultancy projects during a financial year.

3.5.2 The actual share of consultancy (honorarium) excluding expenditure incurred on travel, fieldwork, consumables, salary of engaged staff/assistants, software, satellite imagery, stationary, printing, and expenditure on other services/items etc paid to the individual consultant(s) and staff members shall be considered as an earning from the consultancy services.

3.6 Travel and Field work

Consultants involved in consultancy services and required to travel for fieldwork or other purposes outside the University shall be treated on duty leave subject to the sanction of the duty leave by the competent authority. The consultant shall be competent to authorize the deputation of his/her consultancy staff/assistants for field sampling and other related work within the state with information to the concerned HoD. For deputation outside the State, the concerned Dean shall be the competent authority to grant duty leave. While the University encourages the faculty members to undertake consultancy projects, it is expected that the time spent by a faculty member on fieldwork/travel related to the consultancy projects will not exceed one day per working week during teaching session of the academic year, excluding vacations. The consultancy work under any circumstance shall not hamper the primary duties of the faculty involved in consultancy services.

3.7 Work contract

It shall be the job of Lead consultant/Consultant to make agreements and MoU with the client and subsequently with all other consultants including technical staff, students, and research scholars involved in the consultancy project wherever applicable for assigning work components and payment there of strictly as per the terms and conditions for the consultancy projects.

3.8 Tax Deduction

The Consultant/ Department/Centre where a Consultant works shall collect service tax and all other taxes due at the effective rate on the gross amount of Consultancy fee. The amount of service tax so collected will be paid to the Central Government/concerned agency through University of Kashmir or else a certificate shall be obtained from the client for deduction of all such taxes at source.

3.9 Appointment of Lead Consultant (LC)

The client usually approaches the University for Consultancy work through a faculty member or a functionary of the University (i.e. Head of the Department, Director or Dean). When a faculty member is approached for rendering the consultancy services, he will be the Lead Consultant. In case consultancy projects are referred to Department/Centre, Lead Consultant will be decided by the Head/Director of the Department/Centre in consultation with the Departmental Committee members. All departmental consultancy projects shall have a Lead Consultant (LC) provided that his/her retirement is not due in the next six months. In case the LC is supposed to retire within a period of six months from the date of start of consultancy, s/he will be appointed as co-consultant and Departmental Committee shall in such case appoint a Lead Consultant (LC) for that project. In exceptional circumstances, the Vice- Chancellor may relax this condition and allow a retiring faculty member to continue to work as LC if in case he is serving the University in some other capacity. In case of EIA projects, the role and responsibility of Lead Consultant shall be replaced by EIA Coordinator (EC). In case a LC resigns or discontinues in the event of any other eventuality, the HOD/Director of Center shall take over as the Lead Consultant (LC).

3.10 Academic Credit for Consultancy fund Mobilization

Academic Credit for consultancy fee mobilization shall be decided in terms of UGC regulations. However, for joint consultancy assignments like EIA projects, academic merit shall be calculated with respect to each consultant from the total project cost. The API credit therefore shall be shared by all consultants (FAEs) equally for API score Category III (Research and Academic Contribution) C (II) for the Gross amount for the University in light of UGC regulations.

3.11 Hiring of services from Outside Organizations/Sub-contracting

Hiring of consultancy services from recognized University/Organization/ Institutions other than the University of Kashmir shall be allowed on need basis, and a sub-contract shall be made with such an organization defining the *Terms and Conditions* of the contract. If the use of expertise from any outside Organizations/Institutions or subcontracting a part of the project is envisaged, the nature, scope and financial budget of the proposed arrangements will also be specified at the time of submitting the project proposal for approval. However, the remuneration to the outside consultants should not exceed 25% of the total consultancy contract.

3.12 Liability

In case, any legal dispute arises between Consultant(s) and Client(s) such as if Consultant(s) are in any way, held responsible for the losses incurred by the Client, such a liability will be restricted to the maximum limit which will be calculated as follows and the liability will be on the part of Consultant(s) and not the University.

Maximum Liability = The total amount charged for the project – the expenditure /liabilities on the project. It is in the interest of the Consultant(s) to bring this fact to the notice of the clients. The expenditure/liability will be counted till such date on which the client informs the Consultants(s) in writing to stop work on the project for on-going consultancy project(s), or till the end of the project for the completed project(s). This expenditure amount shall not include the remuneration paid to the Consultant(s) and staff of the University. Submission of the requisite report on the work itself shall constitute the Utilization certificate/ final bill. It should be made a part of the signed agreement.

3.13 Bank Guarantee

The University being a public institution, it will be deemed as exempted from giving any Bank Guarantee for safeguarding the clients' interests during the MoU with Clients. However, in rare cases, the University may consider providing such a guarantee under exceptional circumstances.

3.14 Disagreements / Disputes

3.14.1 Any disagreement/dispute within the University arising at any stage of a consultancy project will be resolved in consultation with the Coordinator/Lead consultant/ HOD/ Director & respective Dean of the Faculty/School to ensure an expeditious removal of bottlenecks and smooth functioning of the project.

3.14.2 In case of any dispute arising at any stage of Consultancy project between Consultants(s) and the client (s), the Coordinator/Lead Consultant/ consultant(s) will be responsible for the settlement of the dispute within the provisions of these guidelines.

3.14.3 All legal action will be subject to the jurisdiction of courts at Srinagar.

3.14.4 Arbitration

In the event of any dispute or difference at any time arising between the parties related to the Consultancy project or any other clause(s) or any content of the right and liabilities of the parties or other matters specified therein or with reference to anything arising out of the Consultancy or otherwise in relation to the terms, whether during the Consultancy or thereafter; such disputes or differences shall be endeavoured to be resolved by mutual negotiations. If, however, such negotiations are fractious, the dispute shall be finally settled through neutral Arbitration commission consisting of three persons one each from University systems, Corporate and Legal system to be nominated by the Vice Chancellor, University of Kashmir, Srinagar.

3.15 Publication of Results

Consultants/FAEs shall normally have the right to publish the work done under the consultancy project with the information to the Coordinator unless the clients have an agreement under which their prior permission is required. Similarly LC will have the right to publish the work carried out by him/her unless the clients have an agreement under which their prior permission is required. It is highly recommended to include a clause in MoU to the effect that the work to be carried out by the Consultants/FAEs will be published acknowledging the support provided by the clients. In such cases where it is mandatory to seek the consent of the clients, the draft paper will be submitted to the clients and if no objections are raised within one month of the submission of the publication by the client/s, it will be assumed that clients have no objection to the publication of the work done under the consultancy project.

3.16 Force majeure

Due to unforeseen events like natural and man-made disasters which are beyond the control of consultants, Consultants shall not be made responsible for any delay in the execution of the project or financial/material loss incurred by the client.

4.1 EIA specific Consultancy Rules

University of Kashmir is among a few institutes in the country that has been granted Accreditation by NABET, Quality Council of India in 2012 to conduct Environmental Impact Assessment (EIA) Studies. Different FAEs working in various Departments in the University are accredited for different sectors as per their eligibility and expertise in respective areas of their academic and research area. Centre of Research for Development (CORD), University of Kashmir, Srinagar is currently the nodal Centre for coordinating EIA Consultancy in the University. However, the University may choose any other Department/Centre when the circumstances demand so. CORD is offering consultancy services to various clients/Agencies from the past 17 years. The Centre is actively engaging the services of University faculty for conducting the consultancy projects. The core group is represented by various Functional Area Experts. The main focus of consultancy is to give the intellectual inputs, and also to carry out the EIA/EMP of various hydropower projects, Town Area Development projects of local and national importance. 10% of Institutional overhead charges for University Development Fund (UDF) in case of all EIA projects will be retained by CORD (instead of the University as is the case with other consultancy projects) for meeting the various expenses in the form of accreditation fee involving Application fee, Document review fee, Office assessment fee, Analysis of office assessment and preparation of final report fee, travel, boarding and lodging (at actual), annual fee, fee for Supplementary Assessment (if applicable), Fee for QMS Implementation Assessment (if applicable), review of decision fee, and appeal fees besides for the development of Centre.

4.2. Appointment of EC (EIA Coordinator)

Any in-service NABET accredited FAE who possesses the required qualification and experience as per NABET guidelines will act as the EIA Coordinator. The role and responsibility of a Lead consultant/Consultant etc in EIA related projects will be decided by the EIA Coordinator.