



VISVA-BHARATI

**(A CENTRAL UNIVERSITY AND AN INSTITUTION OF NATIONAL
IMPORTANCE BY AN ACT OF PARLIAMENT in 1951)**

Santiniketan

West Bengal, India

731235

Telephone: +91(3463)262751 to 262756 (6 lines)

Fax: +91(3463)262672

Email: info@visva-bharati.ac.in

CONSULTANCY RULES

Contents

Sl. No.	Particulars	Page No.
1.	Preamble	3
2.	Purpose	4
3.	Definition and scope of a consultancy	5
4.	Consultancy Categories	7
5.	General Principles of Consultancy	8
6.	General Procedures of consultancy work	8
7.	Budgetary Norms for Consultancy Work	10
8.	Contract Research Projects	11
9.	Research Development Fund (RDF), Departmental Development Fund (DDF) and Personal Development Fund (PDF)	13
10.	Intellectual Property	14
11.	Licensing of Intellectual Property	15
12.	Pricing of Intellectual Property	15
13.	Duration of Consultancy	16
14.	Approval of Consultancy Activity	17
15.	Income Distribution	17
16.	Publications of Results	17
17.	Code of Conduct	18
18.	Redressal and Resolution of Disputes	18
19	Maintenance of Records	18
	Annexures	
I.	Proforma for approval of Consultancy Project	20

1. PREAMBLE:

Consultancy is an important channel through which knowledge and expertise could flow from academic institutions to businesses and other external agencies, and it can contribute to the growth, development and productive relationships with all spheres of the society. Consultancy is basically a knowledge-based profession and consultants play an important role in the overall developments of the Institute/ University and the society as a whole. Thus consultants are the most effective agents of change in the society. Over the years, consultancy capabilities have developed both in public and private sectors and more recently foreign consultants have also started functioning in India. However, the present economic scenario and the government policies, the domestic consultancy capabilities need to be strengthened and skills be upgraded systematically without further delay. Therefore, as a matter of policy, Visva-Bharati encourages its faculty members to undertake consultancy work in collaboration with industry/ external agencies.

At the same time, consultancy plays a vital role in providing a competitive edge to an organization. The substantial assets of an organization, such as technical know-how and expertise of the faculty/staff are often more valuable than its physical assets. Keeping in view the importance of higher education in spawning societal changes and transforming the economic fortunes of the country by emphasizing innovations, Visva-Bharati has taken several measures for promoting innovative research by encouraging inter-disciplinary research through collaboration. With a view of bridging the gap between theory and practice, and to sensitize university towards the needs of the society, **the consultancy rules are being** set-up by Visva-Bharat. The main objectives are to bring industry closer to the academia and vice-versa, to make strategies for the promotion of synergistic interface with industry, to identify the specific areas of mutual interest, to develop methodologies and guidelines for encouraging

consultancy and technology transfer, to encourage R&D programmes for meeting industrial need(s) and to generate resources in the form of industry-supported projects and consultancy programmes. Visva Bharati, encourages its faculty and staff to engage in consultancy wherever appropriate, and in a manner that is in conformity with their service agreement with Visva Bharati.

Keeping in mind, the intellectual strength of Visva-Bharati, and the need for collaboration with other organizations for mutual benefits, the consultancy rules have been formulated to provide guidance to the researchers of Visva-Bharati, comprising of academic and non-academic staff, interested in the consultancy work. The rules laid down in this document are expected to fulfill the commitment of the University to promote academic freedom and provide a conducive environment for research and development of commercial importance.

2. PURPOSE

This policy document is intended to lay down the norms for undertaking consultancy work and its facilitation in accordance with Visva Bharati's rules and procedures. In order to ensure state of the art research and teaching following objectives are emphasized:

- To create passion amongst students and faculty members towards research and innovation.
- To ensure integrity, quality and ethics in research.
- To promote research in various departments of the Institute.
- To build centers of Excellence in in-demand areas of research.
- To work closely with the industrial needs and to report their findings and conclusions freely.
- to approach any funding agency to seek support for their research work

- To establish collaboration with other institutes and universities, public and private sectors and identify R&D projects including consultancy services.
- To ensure smooth functioning and effective Management of R&D at the institution

However, Visva Bharati reserves the right to

- (a) scrutinize the research proposal and the findings,
- (b) make it available for constructive criticism of peers.

Visva Bharati would put extreme effort to create an encouraging atmosphere for research, and hence, to the extent feasible, support all research to be undertaken, by allocating the space, facilities and other resources for research programmes based on the scholarly and educational merits of the proposed research. It shall also provide development opportunities to researchers for writing research proposals and reports, publications, patent filing, etc.

3. DEFINITION AND SCOPE OF CONSULTANCY:

Definitions:

- i) Consultancy is work of a professional nature, undertaken by members of Visva Bharati in their field of expertise, for clients outside the institution, for which some financial return is obtained. Consultancy will produce some form of contracted output which may be partly or wholly owned by the client. It will be governed by short-term contracts while making minimal use of Visva Bharati resources. It would be an additional management responsibility for Visva Bharati and would involve extra work for existing Visva Bharati staff. Therefore, Visva Bharati will charge a part of the consultancy fee from Consultancy Project. Consultancy for organizations owned by a

faculty or staff or an organization in which a faculty or staff may have interest or stake are also included within the scope of this policy document.

- ii) A consultant is a faculty/staff member or group of faculty/staff members of the University who performs specified professional service to the clients.
- iii) A client is any individual or organization seeking professional service from the University. The organization may be in public or private sector.
- iv) Consultancy fee is the sum of the money paid to the University by the client as decided by mutual agreement between the client and the University.
- v) Consultancy contract states the terms and conditions of the consultancy project.
- vi) University means Visva-Bharati University which includes all its Bhavanas, Centers, or any other establishment under the control/domain of Visva-Bharati.

Scope of Consultancy Project

Anybody from Industry/ External Agency can contact the university to solve any type of problem or meet any type of need in any division of science, agriculture, social science, Art, fine-Arts, Design, Music, Literature etc. The university through its faculty or technical staff can handle such requests from industry or any external agency; such requests will come under the term consultancy in its broadest sense. Thus, consultancy means the assignment/job, called as project, given by an external agency to a faculty or staff for work within mutually agreed scope.

The University may take up consultancy project in the following areas:

- i) Investigational and developmental testing using standard testing procedure.
- ii) Onsite investigation and tests involving structural integrity testing, design vetting, trouble shooting of material, product, equipment failure and environmental hygiene investigations.
- iii) Testing of equipment, apparatus, bio-products, agri-inputs etc.
- iv) Designing of machine, devices, furniture, textile, sculptures, murals, buildings, landscaping etc.
- v) Development of new improved materials, products, processes.
- vi) Analysis of performance of operating or newly completed projects.
- vii) Technical and feasibility surveys, preparation of an industrial development project, establishment and management of plantations, landscaping, hybrid seed production etc.
- viii) Client specific training for human resource development in the field of pottery, textile, painting, leather works, sculpture, performing arts like dance music etc.
- ix) Providing state of art performance in various festivals, seminars, conferences etc.

4. CONSULTANCY CATEGORIES

The consultancy provided by the university may be categorized in to three classes:

4.1 Advisory Consultancy

Wherein the services would involve scientific, technical or other professional advice, provided to a client purely on the basis of available expert knowledge and experience of individual (s), and not envisaging use of any facilities of Visva-Bharati and also not involving any kind of survey, detailed study or report preparation/ submission.

4.2 General Consultancy

Wherein the services shall comprise scientific, technical, engineering or other professional advice/ assistance based on the available knowledge base/ expertise

of Visva-Bharati and envisaging only minimum use of laboratory facilities for essential experimentation needed to meet the objectives of the consultancy jobs.

N.B.: Any consultancy assignment, which does not strictly fall under the category of Advisory Consultancy, shall be taken up as General Consultancy.

4.3 Technical Services

The routine laboratory testing/ production of special products/ studies / repairs & maintenance / supply of information/ data, where interpretation of result is not required. Incubator services are covered under this category. The Technical consultancy job is undertaken directly by the Department/ Centre on standard charges, approval for which is obtained by the Department from the Vice-Chancellor, Visva-Bharati.

5. General Principles of Consultancy:

- 4.1 The consultancy work may be under taken by the faculty/ staff members in their area of expertise with prior permission of the competent authority of Visva-Bharati. The consultancy work may also be undertaken by a Department or Centre.
- 4.2 The normal duty of the individual faculty/ staff member and the interest of the Department do not suffer.
- 4.3 A consultant shall not ordinarily be permitted to be away from the University for undertaking consultancy projects for more than 60 days in a year and he will be treated on duty for these periods.
- 4.4 Attempts may be made to associate research scholars, post graduate students to the extent as would not hamper their studies.
- 4.5 The total remuneration received as fee by a single consultant in a financial year should not exceed 25 per cent of the gross salary from the university.

6. General Procedure for Consultancy Works:

- a. The consultancy work can be initiated in two ways:

- (i) The external agency may directly contact the functionary of the university (such as, Vice-Chancellor, Pro Vice-Chancellor, Principal(s) or Registrar) for consultancy, which will be taken up as consultancy work by the faculty.
 - (ii) Identify a faculty who could help the external agency, called beneficiary, and contact the faculty to discuss the problem.
- b. Once a faculty/ staff, called consultant, is identified the beneficiary may submit a written proposal (Annexure) to the Head of the Department (HoD).
 - c. HoD will examine the proposal in details and submit it through proper channel along with his recommendations to the Deputy Registrar, Academic and Research. (CCCP).
 - d. The Office of the Deputy Registrar, Academic and Research (CCCP) will consider the following aspects before forwarding the proposal to the higher authority for final approval:
 - Extent to which the consultancy work will be undertaken by the faculty or the department in addition to their normal duties and work load.
 - During the days of academic commitments, the consultants should not neglect their duties and concentrate on consultancy work alone.
 - The consultancy fees should be carefully proposed in the budget submitted by the beneficiary.
 - The entire consultancy service should be focused on the interest of the Institute in the long run.
 - All issues related to the progress of the consultancy work, handling of the budget amount and the stipulated time frame should be legally discussed with the competent authorities and should be mentioned in the agreement.

- A Memorandum of Understanding (MoU) should be signed between the beneficiary and the consultant before undertaking the consultancy assignment.

e. The competent authority for approving the proposal is the Registrar, Visva-Bharati.

f. The work on consultancy job shall be undertaken only after the prior approval from the competent authority.

7. Budgetary Norms for Consultancy Work:

At the time of submission of consultancy project proposal, the PI should make a provision for university share (over-head charges) at the rate of 30 % of the total contracted project cost. The actual expenses of the project should cover the following heads. The GST will be applicable as per the government rules.

a. The Charges of Consultancy Project

Sl. No.	Heads	Amount (Rs.)
(a)	Cost of man-days of the staff taking part in the project excluding the consultant(s).	
(b)	Cost of inputs (like chemicals, raw material and other types of consumables) and equipment.	
(c)	Cost of physical inputs/ services/ utilities	
(d)	Equipment usage cost/ cost of equipment procured specifically for the project.	
(e)	Payment to outside consultants, if any	
(f)	T.A and D.A (as per agreement with the client)	
(g)	Cost of stationery	
(h)	Computer charges	
(i)	Contingencies	
(j)	Service Tax Charges (as per government notification)	
(k)	Cost of consultants' time, including intellectual fee: Minimum of 33.3% of total expenses (a) to (j) to be paid to the respective department of the consultant	
(l)	Over-head which is 30% of the sum (a) to (k)	
Total Cost	Sum of (a) to (j)	

The consultant shall set time charges based on man hour, man days or man

months of time expended by various members of the staff involved. The time rate may be taken as about two times the hourly or daily salary (Pay+DA) of the faculty/staff involved. Remuneration to be paid to technical staff and students, if involved.

b. Details of distribution of consultancy project fund shall be as follows:

Items	Consultancy Project	Technical Services
Total Money Received	G	G
GST	L	L
Total Contracted Amount (T)	(G – L)	(G – L)
Institute Share (P)	0.30T	0.40T
Remaining Amount (F)	0.70T	0.60T
Net Expenditure	E	E
Balance Amount for Distribution to the Consultants /consultant's departments	(F – E)	(F – E)

c. The client shall pay 50% of the total project cost in advance to the University Consultancy. The University under a separate budget head of **“Consultancy Services”** will receive all the payments.

d. If any faculty wishes to divert part or full amount of his/her honorarium to his/her Personal Development Fund, the same will be permissible.

e. Distribution of Honorarium to the consultants

(i) For Advisory Consultancy:

Team of Consultants	95%
Welfare Fund	5%

(ii) For General Consultancy:

Team of Consultants	65%
Supporting S & T Staff who have provided direct inputs to the specific activity	15%
Remaining staff	15%
Welfare Fund	5%

8. Contract Research Projects

a. Contract research shall comprise all R & D undertaken through specific contractual arrangement agreed upon for the purpose and shall cover the following:

- **Sponsored Projects:** Projects wholly funded by the client having specified R & D objectives, and well-defined expected project outputs/ results, generally culminating in generation of intellectual property. Sponsored projects could be multi-client also, with the sharing the project funding and research results.
- **Collaborative Projects:** Projects partially funded by the client and supplemented by provision of inputs from the Institute such as extra manpower, production/ fabrication of product in bulk for testing infrastructural facilities, etc. Collaborative projects could be for up-scaling/ proving of laboratory level knowhow, technology development or generation of intellectual property etc. The expected project output/ results are well defined.
- **Grant-in-Aid Projects:** Grant-in-Aid Projects are normally for supporting for basic or exploratory research or for maintaining or creating testing and infrastructural facilities. These projects shall involve grant by way of financial inputs, either in full or in part, assistance in kind, e.g., equipment, training to supplement Visva-Bharati's efforts in ongoing or new R & D Projects or for creating new capabilities/ facilities.

b. Budgetary Norms for Contract Research Projects: At the time of submission of sponsored research proposal, the PI should make a provision for university share (over-head charges) at the rate of 30% of the total budget or at the rate permitted by the sponsor.

(i) The charges for contract research shall include expenses on account of:

Sl. No.	Heads	Amount (Rs.)
1.	Cost of man-days of staff deployed	
2.	Cost of consumables/ raw materials/ components	
3.	Equipment usage cost/ cost of equipment procured specifically for the project.	
4.	Any external payment envisaged	
5.	TA/ DA	
6.	Contingencies	
7.	Over-head which is 30% of the sum 1 to 6	
Total Cost	Sum of 1 to 7	

(ii) Details of distribution of contract research project fund shall be as follows:

Items	Contract Research Project
Total Money Received	G
GST, if any	L
Total Contracted Amount (T)	(G – L)
Institute Share (P)	0.30T
Remaining Amount (F)	0.70T
Net Expenditure (E)	0.70T

9. Research Development Fund (RDF), Departmental Development Fund (DDF) and Personal Development Fund (PDF):

- a. Utilization of Research Development Fund (RDF): The RDF may be utilized for the following purposes
- Purchase of inputs, experimental material
 - Wages of labour, cost for field work, data collection, packaging, courier charges
 - Purchase of chemicals for laboratory analysis
 - Fund for conducting farmers awareness programme, field day etc.
- b. Utilization of Departmental Development Fund (DDF): The DDF may be

utilized for the following purposes:

- (a) Development of departmental infrastructure like equipment/ furniture for laboratories, classrooms, conference rooms, *etc.*
- (b) Repair, maintenance and AMC of the equipment
- (c) Repair and maintenance of office and laboratories
- (d) Seed money for holding conference/ workshops and seminars
- (e) Hired man power services for the department

The budget for utilizing the DDF may be recommended by the departmental purchase committee and approved by the Vice-Chancellor.

c. Utilization of Personal Development Fund (PDF): The PDF may be utilized by the concern faculty for the following purposes:

- (a) Travel (domestic and international) and related expenditure by individual, students or project staff.
- (b) Membership fees of professional societies
- (c) Engagement of project staff
- (d) Procurement of books, stationery items, computer consumable, chemicals and any type of consumables requires for academic work.
- (e) Fees and related expenditure for acquiring training/ qualifications.

The budget for utilizing the PDF may be recommended by the departmental purchase committee and approved by the Vice-Chancellor.

d. For any sponsored research project, rights for licensing intellectual property shall rest with Visva-Bharati. In case of collaborative research project, Visva-Bharati and the collaborator shall hold such rights; Licensing for commercial exploitation of the intellectual property generated out of contract research shall be held jointly.

10. INTELLECTUAL PROPERTY: Intellectual Property shall include patents, copyright, registered design trademark, knowhow for process/

product/ design and computer software. Intellectual property generated shall be of two types.

- a. UNENCUMBERED: Developed through wholly in-house R & D projects carried out at Visva-Bharati. In such cases ownership of intellectual property is exclusively that of Visva-Bharati and as a result the licensing power is that of Visva-Bharati alone. Intellectual property developed through contract research and subsequently rendered unencumbered as per contractual arrangement with the client. In such cases licensing of intellectual property by Visva-Bharati would be in accordance with the terms and conditions agreed upon with respect to third party licensing with the client.
- b. ENCUMBERED:
 - (i) Developed through contract research with/ without technical inputs from users/ clients. In such case, the ownership of Intellectual property shall be that of sponsor. Visva-Bharati shall have to license the I.P. development to the sponsor.
 - (ii) Intellectual property developed through contract research & subsequently rendered encumbered as per the contractual arrangement with the client. In such case licensing of Intellectual property by Visva-Bharati would be in accordance with the terms and conditions agreed upon with respect to third party licensing with the client.

11. LICENSING OF INTELLECTUAL PROPERTY: Licensing of intellectual property shall mean granting the license the right to utilize the intellectual property and sell or use the resulting product(s) either for commercial/ captive purpose or as otherwise agreed to.

12. PRICING OF INTELLECTUAL PROPERTY: There is not rigid formula for determining the price of intellectual property and thus estimates vary

from case to case. The price of knowhow/ intellectual property normally ranges between 2% to 10% of either the plant and equipment cost or projected turnover of the unit for a period of 5 year's production.

- a. To arrive at price of intellectual property following factors will be kept in view:
 - (i) Cost of development
 - (ii) Estimate of net benefit to be derived by the license.
 - (iii) Size and number of potential licenses.
 - (iv) Comparative cost of imported intellectual property
 - (v) Possibility of intellectual property being pirated.
 - (vi) Opportunity value.
- b. An annual royalty (to be divided equally between the consultant and the University), out of the sales made upon a patent emerging from consultancy work, of a fixed percentage (to be decided by the Vice Chancellor) will be paid to the University by the client.
- c. At the completion of the consultancy project, a copy of the synopsis of the work, keeping in view the confidentiality clause of the project and the audited statement of accounts will be submitted to the Principal of the concerned Bhavana or Office of the Academic and Research for its records. Any un-utilized amount of budget heads will be transferred to the 'Development Fund' of the University.
- d. In case of any ambiguity, the decision taken by the Vice-Chancellor, Visva-Bharati will be final.

13. Duration of Consultancy

- a. The duration of any consultancy activity will be limited to what is mentioned in the approved agreement.

- b. Any extension of consultancy work would require prior permission of the competent authority.

14. Approval of Consultancy Activity

All consultancy proposals have to be submitted through proper channel to the competent authority for prior approval. The authority will have the right to make the decision to accept or decline the consultancy / project / research proposal.

15. Income Distribution

- (1) If the consultancy requires some cost from Visva Bharati, it will be deducted by the Visva Bharati from the gross income from consultancy prior to dividing the net income between the consultancy team and Visva Bharati.
- (2) The member/department of Visva Bharati involved in consultancy would be entitled to retain 70% of the share while Visva Bharati will retain 30% of the net income. Visva Bharati's share would be deposited into a dedicated fund controlled by Visva Bharati.
- (3) If the gross income from consultancy is less than a certain amount in any financial year, Visva Bharati may lower/forego its part and the residual money may be retained by the consultancy provider. Such threshold amount will be determined and notified by Visva Bharati from time to time.
- (4) The income earned by any individual from consultancy will be taxable as per Govt. of India rules.
- (5) Every financial transaction related to consultancy has to be cashless through bank transfer to/from designated Visva Bharati account. And hence Visva Bharati will make required payment to the consultancy provider as per rules.

16. Publications of Results

Consultancy providers wishing to publish technical/ scientific papers based on the consultancy work, should adhere to the guidelines of the sponsoring agency and acknowledge the assistance received. If the results of research are to be legally protected, the results should not be published without securing legal protection for the research results.

17. Code of Conduct

- a) The conduct of the employee during the consultancy work must conform to the prestige and reputation of Visva Bharati. Visva Bharati holds the right to take disciplinary action against its employee for any misconduct during the consultancy.
- b) Original copies of all documents related to consultancy services undertaken by its employees / departments must be in possession of Visva Bharati for allowing appropriate financial accounting and audit purposes.
- c) The clients receiving consultancy services would not be entitled to use the name of Visva Bharati, logo *etc.* in any form without prior permission of the competent authority.

18. Redressal and Resolution of Disputes

All cases of lack of clarity on any issue, or any ambiguity, or subjectivity in interpretation, must be reported to competent authority headed by Vice Chancellor, whose decision will be final and binding. The committee headed by the Vice Chancellor may, at any point of time, call for amendment or revision of this policy as deemed appropriate. Any violation of the above policy shall be dealt with as per Visva Bharati statutes and rules.

19. Maintenance of Records

- i. Copies of all reports submitted to the client shall be filed in the respective departments/Bhavana/Centre.

- ii. A register may be maintained by the concerned Department/Bhavana/Centre and also by the Academic & Research, Accounts and Finance department containing the following information:
 - Consultancy approval number
 - Title, nature and type of consultancy
 - Name of the client
 - Terms of payment
 - Name of the consultant (s)
- iii. The record of expenditure incurred in the consultancy project shall be submitted through proper channel to the Accounts Department for disbursal of fund as well as for maintenance of records for audit and accounts purpose.
- iv. Unconsumed consumables/equipment and spares will be entered into Departmental stock register after completion of the Project.

ANNEXURE I**APPROVAL FOR CONSULTANCY PROJECT**

**(TO BE SENT TO THE ACADEMIC AND RESEARCH DEPARTMENT IN
TRIPLICATE ALONG WITH ORIGINAL REQUEST OF THE CLIENT)**

1. Title of the consultancy project :
2. Name of the client :
3. Name of the Consultant(s)/In-charge :
4. Name of the Consultancy Project :
5. Detailed information about the Consultancy
(To be submitted as an annexure) :
6. Type of the client : Govt. Agency/Autonomous
Agency/Industry/commerce/
developmental organization/
NGO/Individual
7. Total Consultancy fees :
8. Whether the necessary facilities and expertise are available:
9. Approval from Competent Authority : Yes/No

10. Signatures:

Signature of Consultant in charge/ Consultant(s):

Signature and Comments of Head of the Department:

**Signature and Comments of Principal of the
Bhavana/Director of Centers:**

11. Submitted for No objection to :

Academic and Research:

Accounts Section:

Audit Section:

Finance Section:

12. Approval of Registrar: