

BYE – LAWS OF

BIHAR HERITAGE DEVELOPMENT SOCIETY

Bye – Laws fo 'Bihar Heritage Development Society'

1. SHORT TITLE

- 1.1 These Bye-laws shall be called " The Bye-laws of Bihar Heritage Development Society";
- 1.2 These Bye-laws shall come into force with effect from the date of registration under the Bihar Societies Registration Act, 1860;
- 1.3 Its area of operation shall be entire Bihar State.

2. DEFINITIONS

- 2.1 In the interpretations of these Bye-laws, the following expression shall have the following meaning unless in consistent with subject or context:-
 - 2.1.1 "Act" means societies Registration Act, 1860;
 - 2.1.2 "B.H.D.S." means the Bihar Heritage Development Society;
 - 2.1.3 "Society" means the Bihar Heritage Development Society;
 - 2.1.4 "Central Government" means the Government of India;
 - 2.1.5 "State Government" means the Government of Bihar;
 - 2.1.6 "Governing Body" means the Chairman of the Executive Committee of the Society.
 - 2.1.7 "Chairman" means the Chairman of the Governing Body;
 - 2.1.8 "Chief Executive Committee" Officer" means Chairman of the Executive Committee of the Society.
 - 2.1.9 "Executive Committee" means the Executive Committee of the Society.
 - 2.1.10 "Member" means the Member of the Society.
 - 2.1.11 "Rules" means the Rules and Regulations registered along with Memorandum of Association and as may be amended by the Governing Body of the Society from time to time.
 - 2.1.13 "Executive Director" means Executive Director of the Society

3. OFFICE

- 3.1 Office of the Society shall be situated in Patna.
- 3.2 The Society may set up its Branch Offices in the State of Bihar.

4. CONTROLLING AUTHORITY

- 4.1 Following shall be the controlling authority and other functional cells:-
 - 4.1.1 Governing Body;
 - 4.1.2 Executive Committee;
 - 4.1.3 Scheme/Plan Implementation Cell;
 - 4.1.4 Other such cells which will be constituted by the Governing Body according to need.

5. GOVERNING BODY

5.1 Governing Body shall be constituted in following manner:-

- 1) Development Commissioner, Patna : Chairman
- 2) Principal Secretary/Secretary, Finance Department, Bihar, Patna : Member
- 3) Principal Secretary/Secretary Human Resources Development Department : Member
- 4) Principal Secretary/Secretary, Department of Tourism, Bihar : Member
- 5) Principal Secretary/Secretary, Building Construction Department, Bihar : Member
- 6) Principal Secretary/Secretary, Road Construction : Member
- 7) Principal Secretary/Secretary, Forest & Environment Department, Bihar : Member
- 8) Principal Secretary/Secretary, Mines & Geology Department, Bihar : Member
- 9) Principal Secretary/Secretary, Urban Development Department, Bihar : Member
- 10) Principal Secretary/Secretary, Revenue & Land Development Department, Bihar : Member
- 11) Four Experts nominated by the State Government : Member
- 12) Secretary, Art, Culture & Youth Department, Bihar : Member Secretary
- 13) Executive Director of the Society : Member

5.2 Ex-officio members of the Governing Body shall, remain in the office so long as they hold the post;

5.3 The management of the affairs of the Society shall be entrusted to Governing Body and the property of the Society shall be vested in the Governing Body

5.4 The Chairman of the Governing Body can call any expert to participate in the meeting of the governing Body.

5.5 The Governing Body shall have right to remove any member of the Executive Committee;

6. PROCEEDINGS OF THE GOVERNING BODY

6.1 The meetings of the Governing Body shall be held at least twice a year and at such time and place as the Chair-person shall decide;

6.2 At the annual meeting of the Governing Body the following business shall be brought forward and disposed of:-

6.2.1 Income and expenditure account and the balance sheet for the past year;

6.2.2 Annual Report of the past year;

6.2.3 Budget for the next year;

- 6.2.4 Schemes and proposals for the next year;
- 6.2.5 Constitution of Executive Committee and other functional Cells;
- 6.2.6 Discussion on policy-decision/legal matter related to the Society.
- 6.2.6 Discussion on policy-decision/legal matter related to the Society.
- 6.2.7 Disposal of other works with the concurrence of the Chair-person.
- 6.3 Every notice calling meeting of the Governing Body shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Governing Body not less than 14 days before the date appointed for the meeting. Such notice shall be under the hand of the Executive Secretary and shall be accompanied by and agenda of the business to be placed before the meeting. In the event of any urgent business the chair-person may call the meeting of the Governing Body at clear notice;
- 6.4 The Chair-person shall take the chair at the meetings of the Governing Body. In his/her absence the Governing Body shall elect one from among the members present as Chairman of the meeting.
- 6.5 One third of the members of the Governing Body shall form a quorum at every meeting of the Governing Body.
- 6.6 All disputed questions at the meeting of the Governing Body shall be determined by votes. Each member of the Governing Body shall have one vote and in case of any equality of votes Chairman shall have casting vote.

7. POWERS OF THE GOVERNING BODY

- 7.1 The Governing Body will have control of the affairs of the Society and will have authority to exercise and perform all the powers, acts and deeds of the society consistent with the aims and objects of the Society.
- 7.2 In particular and without prejudice to the generality of foregoing provision the Governing Body may:-
 - 7.2.1 Make, amend or repeal any bye laws relating to administration and management of the affairs of the Society.
 - 7.2.2 Monitor/observe the provisions of the Act.
 - 7.2.3 Monitor the financial position of the Society and review annual audited accounts.
 - 7.2.4 Accept donations and endowments upon such terms as it thinks fit to achieve its goals.
 - 7.2.5 Delegate its powers to Executive Director or other authorities of the Society as it may deem fit.
 - 7.2.6 Formulate rules related to personnel/ financial matter.
 - 7.2.7 Develop and adopt its own procurement procedures for procurement of services and goods;
 - 7.2.8 Authorize the Executive Director to execute such contracts on behalf of the Society as it may deem fit in the conduct of the business of the Society.
 - 7.2.9 Execute all such general acts and things as may be necessary or relevant in carrying out the objectives of the Society.
 - 7.2.10 Sanction the post, make appointments and fix salary etc. with prior concurrence of the

State Government.

7.2.11 Approval of the Annual budget.

8. POWERS, FUNCTIONS AND RESPONSIBILITIES OF THE CHAIR PERSON OF THE GOVERNING BODY

- 8.1 The Chairpersons shall have the power to call for and preside over all meetings of the Governing Body.
- 8.2 The chair-person shall enjoy such powers as may be delegated to him by the Governing Body.
- 8.3 The Chair-person shall have the authority to review periodically the work and progress of the Society.
- 8.4 Nothing in these rules shall prevent the Chair-person from exercising any or all the powers of the governing Body in case of emergencies in furtherance of the objects of the Society. However, the action taken by the Chair-person on such occasions shall be reported to the Governing Body subsequently for ratification.

9. EXECUTIVE COMMITTEE

- 9.1 The Governing Body will constitute and Executive Committee which will be responsible for acting for and doing all deeds on behalf of the Governing Body according to its directives.
- 9.2 The composition of the Executive Committee shall be as follows:-
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|-----|---|--------------------|
| 1) | Secretary, Art, Culture & Youth Deptt., Bihar, Patna | : Chairman |
| 2) | Joint Secretary/Deputy Secretary/Under Secretary, Art, Culture & Youth Department, Bihar, Patna | : Member |
| 3) | Director, Archaeology, Bihar, Patna | : Member |
| 4) | Director, Museums, Bihar, Patna | : Member |
| 5) | Director, K.P. Jaiswal Research Institute, Patna | : Member |
| 6) | Director, Bihar State Archives, Bihar, Patna | : Member |
| 7) | Director, K.B. Public Library, Patna | : Member |
| 8) | Director, Nav Nalanda Mahavihar, Nalanda | : Member |
| 9) | Superintending Archaeologist, A.S.I., Patna Circle | : Member |
| 10) | Dy. Superintending Engineer, A.S.I., Patna Circle | : Member |
| 11) | H.O.D., Ancient Indian & Asian Studies Deptt. | : Member |
| 12) | H.O.D., Ancient Indian & Asian Studies Deptt. | : Member |
| 13) | Deputy Executive Director of the Society | : Member |
| 14) | Director, Finance & Accounts | : Member |
| 15) | Representative of Finance Department | : Member |
| 16) | Four experts nominated by the State Govt. | : Member |
| 17) | Executive Director of the Society | : Member Secretary |

Post-holders mentioned in serial number 7, 8, 9 and 10 shall be included in the Executive Committee after no-objection certificates from their concerned controlling

departments.

- 9.3 The posts of the Executive Director and the Deputy Executive Director will be regular and salary paid. They will be selected by the selection committee. The Governing Body shall constitute the Selection Committee. In the absence of the Executive Director the Governing Body may ask the Deputy Executive Director to perform his functions.
- 9.4 The Executive Committee may invite experts to attend the meeting according to need.
- 9.5 The meetings of the Executive Committee shall be held as often as necessary, but not less than once in two months.
- 9.6 The meetings of the Executive committee shall be held as often as necessary, but not less than once in two months.
- 9.7 The Executive Committee shall put the proceedings of its meetings before the governing Body.
- 9.8 The various committee constituted by the Governing Body shall submit their reports to the Executive Committee which shall forward them to the Governing Body for its approval with its recommendations.

10. SOCIETY SECRETARIAT AND EXECUTIVE DIRECTOR

- 10.1 The Governing Body shall constitute a Secretariat of the 'Bihar Heritage Development Society', in which besides Executive Director, there shall be Director, finance and Accounts, Deputy Director, Accountant and other technical experts and other personnel as per need.
- 10.2 The Director, Finance and Accounts shall be nominated from the officers of the Accounts service of the Govt. of India or Bihar Finance Service on the basis of deputation.
- 10.3 The Secretariat shall consist of such technical units as may be determined by the Governing Body which shall function to achieve the objectives and execute responsibilities mentioned in clauses (4) and (5) of the memorandum.
- 10.4 Executive Director shall be appointed through selection he/she shall also perform the functions of the Member Secretary of the Executive Committee. In addition to it, he/she shall be responsible for the management, supervision of the affairs and other works of the Secretariat.

11. POWERS AND FUNCTIONS OF THE SOCIETY SECRETARIAT

- 11.1 The Society Secretariat shall consist of the Executive Director or Director and staff of the Society.
- 11.2 As the implementation arm, the Secretariat shall be responsible for day-to-day management of the Society's activities, particular; it shall be responsible for performing all functions of the Society.
- 11.3 Society Secretariat shall function as advisory body of the Directorate of Archaeology to tender help to the Bihar Govt. As per aims & objectives of the Society a panel of experts of related subjects shall extend the advice to the Directorate of Archaeology.

12. FUNDS OF THE SOCIETY

- 12.1 The funds of the Society shall consist of the following:-
- 12.2 Cash/grant received from the different Ministries of the Govt. of India.

- 12.3 Grants –in-Aid from the Government of Bihar
- 12.4 Grants and donations from trade, industry and individuals.
- 12.5 Receipts from disposal of assets.
- 12.6 Receipts from other sources.

13. ACCOUNT AND AUDIT

- 13.1 The Society shall cause regular accounts to be kept of all its money and properties in respect of the affairs of the Society.
- 13.2 The accounts of the Society shall be audited annually by a Chartered Accountant firm included in the panel of Comptroller and Auditor General of India or any qualified C.A. person in the panel of the Government of India/State Government and any expenditure incurred in connection with such audit shall be payable by the Society to the Auditors.
- 13.3 The Chartered Accountant or any qualified person appointed by the Govt. of India/State government in connection with the audit of the accounts of the Society shall have the same rights, privileges and authority in connection with such audit as the Auditor General of the State has in connection with the audit of Government Accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other necessary documents and papers.
- 13.4 The report of such audit shall be communicated by the auditor to the Society, which shall submit a copy of the Audit Report along with its observation to the State government.
- 13.5 The Auditor shall also forward a copy of the report to the Chair-person of the Society.

14. BANK ACCOUNT

- 14.1 The account of the Society shall be opened in a bank approved by the governing Body. All funds shall be paid into the Society's account with the appointed bank and shall not be withdrawn except by a cheque, bill note or other negotiable instruments signed by such authorities of the Society Secretariat as may be determined by the Governing Body shall authorize one of the Officer of Society Secretariat to operate Bank Account and issue cheque etc.
- 14.2 The subordinate units of the Society or designated authorities in the Secretariat may, also be permitted by the Governing Body of the Society to open their independent bank accounts in a specified bank, and approved by the Governing Body for the purpose to receive funds for specified schemes/purposes as may be authorized by the Governing Body.
- 14.3 The Governing Body may cause separate Bank Account in respect of each scheme or separate ledgers for each scheme under one account.
- 14.4 In the event that subordinate units of the Society and or designated authorities in the Secretariat are allowed to open their separate bank accounts to lodge the funds disbursed by the Society for specified schemes/purposes, the Governing Body shall prescribe written instructions relating to submission of Statement of expenditure by such subordinate units of the Society and/or designated authorities to the Society Secretariat.

15. ANNUAL REPORT

A draft annual report and the yearly accounts of the Society shall be placed before the Governing Body at next meeting for consideration and approval. A copy of the annual report and audited statement of accounts as finally approved by the Governing Body shall be forwarded within six months of the closure of a financial year to the Chair-person of the Governing Body.

16. SUITS AND PROCEEDINGS

- 16.1 The Society may sue or be sued in the name of the Society through Executive Director, Similarly, the Executive Committee shall appoint/ depute such individual to whom the matter is related.
- 16.2 No suit or proceeding shall abate by the reason of any vacancy or change in the holder of the office of the Chair-person or Executive Director or any office bearer in this behalf.
- 16.3 Every decree or order against the Society in any suit as proceedings shall be executable against the property of the Society and not against the person or the property of the Chairperson, Executive Director or any office bearer of the Society.
- 16.4 Nothing in sub rule 16.3 above shall exempt the Chairperson, Executive Director or office bearer of the Society from any criminal liability or entitle him/her to claim any contribution from the property of the Society in respect of any fine to be paid by him/her on conviction by a criminal court.

17. AMENDMENTS

- 17.1 The Society may alter or extend the purpose for which it is established and/or the Rules of the Society.
- 17.2 The proposition for any alteration or extension to the objectives of the Society and/or the rules must be circulated to all members of the Governing Body and must be included in the written agenda of the ensuing meeting of the Governing Body or a special meeting of the Governing Body.

18. DISSOLUTION

- 18.1 The Governing Body may resolve to dissolve the Society by bringing a proposal to that effect in a special meeting to be convened for the purpose.
- 18.2 The dissolution proceedings shall be made in accordance with the provisions of the Act as amended from time to time in its application in the State of Bihar.
- 18.3 Upon the dissolution of the Society, all assets of the Society after the settlement of all its debts and liabilities shall revert to the State Government of Bihar for such purposes as it may deem fit.

19. MISCELLANEOUS

19.1 CONTRACTS/AGREEMENT

19.2 Agreement

- 19.3 All contracts and other instruments for and on behalf of the Society shall be made in the name of the Society and shall be executed by the persons authorized by the Governing Body. No contracts for the sale, purchases or supply of and goods and

material shall be made for and on behalf of the Society with any member of the Society or his/her relative.

19.4 COMMON SEAL :- The Society shall have a common seal of such make and design as the Governing Body may approve.

19.5 Government Power to Review:-

19.5.1 Notwithstanding anything to the contrary contained in these Rules, the Government of Bihar, as the Principal donor to the Society, may appoint one person to review the work and progress of the Society and hold enquiries into the affairs there of and report there on.

19.5.2 The progress review reports and/or enquiry reports shall be included in the written agenda of the ensuing meeting of the Governing Body.

We, the undersigned being three of the first Governing Body of the Bihar Heritage Development Society certify that the above is a correct copy of the Rules and Regulations of the said Society:-

S. No.	Name and Address	Signature
1.	Shri Navin Kumar Development Commissioner, Bihar, Patna	
2.	Shri Anjani Kumar Singh Principal Secretary, Human Resource Development Dept., Bihar, Patna	
3.	Shri Vivek Kumar Singh Secretary, Department of Art, Culture & Youth, Bihar, Patna	