

## **Guidelines for Constitution of Local and Overseas Chapters of Bihar Foundation**

Bihar Foundation was constituted in recognition of the common concerns and interests of people from Bihar residing outside Bihar, within or outside India. The objectives of the Foundations are as enlisted in the Memorandum of Association. (Annexure I)

**Objective** – The Guidelines for Constitution of Local and Overseas Chapters of Bihar Foundation aims to provide for guidelines and regulation of various chapters of Bihar Foundation and membership of Bihar Foundation, and for matters connected therewith or incidental thereto.

**Scope of Guidelines** – The scope of this policy shall encompass the following: -

1. Members of Bihar Foundation
2. Chapters of Bihar Foundation
3. Territorial Jurisdiction of chapter
4. Rules and By-laws of chapter
5. Constitution of new chapter
6. Patrons/Special Invitees
7. Changes in Composition of Chapter
8. State/Country Chapter
9. Filling of vacant posts in a chapter
10. Functions of Chapters
11. Sub-Committees
12. Reconstitution of Dormant/Suspended Chapters
13. Disciplinary control over chapters
14. Chapter Office
15. All Legal Matters Involving Chapters be Intimated to Bihar Foundation Headquarter
16. Accounts and Financial responsibility of chapters
17. Dispute Resolution

1. **Members of Bihar Foundation** - All members of the diaspora from Bihar, residing in India or abroad, who have registered themselves with Bihar Foundation, shall be called registered members or simply members of Bihar Foundation.
  - i. **Eligibility for membership** – All members of diaspora from Bihar, who are 18 years of age or above and having their ancestral roots in Bihar and ordinarily residing outside the territory of Bihar are eligible to become member of Bihar Foundation. This will include those citizens of other countries whose ancestors had migrated to other countries during British rule and who trace their ancestry to Bihar.
  - ii. **Process of membership** – Every eligible person from the diaspora can fill the registration form provided on the website of Bihar Foundation ([www.biharfoundation.bihar.gov.in](http://www.biharfoundation.bihar.gov.in)) to become the registered member of Bihar Foundation. Upon successful submission of the form along with the requisite documents, they shall be granted life time membership. However, their membership shall automatically cease to exist once they return to Bihar for permanent residence.



- iii. Members registered within the geographical territory of India and abroad will be called as *Local* and *Overseas* members respectively. Members who have registered themselves in a place where there is no chapter shall be called as Direct members.
  - iv. **Privilege of Membership**  
Comprehensive guidelines for the same is under process. Members of various chapters of Bihar Foundation would be entitled to the privileges as per the approved policy as and when the same is approved.
  - v. All registered members of Bihar Foundation would get a unique identity number and Id card post successful registration. This card with photograph will be issued to a member upon their request and after submission of requisite fees, if any. The validity of this card will be 5 years, after which it has to be re-issued by making an application in the prescribed format.
  - vi. The Chapters shall maintain the database of registered members and may furnish the same to the Bihar Foundation Headquarters.
- 2. Chapters of Bihar Foundation** – In pursuit of its objective, Bihar Foundation is continuously striving to identify Diaspora of Bihar and their active groups spread across the world. These members of diaspora can register themselves as members of Bihar Foundation. Further, these registered members can group themselves and form a chapter of Bihar Foundation. A step-by-step process has been delineated in this policy for constitution of chapter of Bihar Foundation.
- 3. Territorial Jurisdiction of a chapter** – The territorial jurisdiction of a chapter within India shall cover the entire geographical area of a district for **local chapter**. Such chapters in a state will together form a **State Chapter**  
For **Overseas Chapter**, the city/state will have one chapter. Such Chapters will together form a **Country Chapter**  
Bihar Foundation Headquarters will have the discretionary powers to approve the constitution of a chapter based on occupation or for a special purpose in a place where a chapter is in existence. However, there cannot be more than one such chapter (Chapter for special purpose/occasion) in a state/country. In no condition, the Chapters within the same area will have overlapping members.
- 4. Rules and Bye-laws of Chapters** - There shall be a model set of Rules and Bye-laws to act as guidelines for the Chapters approved by the Governing body. Following points in this regard are noteworthy: -
- i. A Chapter shall be free to govern itself and to make Rules and Bye-laws from time-to-time as it may deem fit and to repeal or alter the same as and when it may consider it expedient.
  - ii. A Chapter after formation shall send its set of Rules and Bye-laws to the Headquarters office for approval. Till such time the model set of Rules/Bye-laws including all amendments/additions etc. as ratified by the Governing Body shall be operative in a newly formed chapter or those of existing chapters, who do not have Rules/Bye/Laws of their own.
  - iii. The Rules and Bye-laws so made shall remain in force and shall be binding on the members constituting the Chapter in reference to which they are made: provided that such Rules and Bye-laws are in general conformity with the Rules and Bye-laws laid down by Bihar Foundation subject to subsequent ratification by the Governing body.
  - iv. The Rules and Bye-Laws of the Bihar Foundation shall apply in any matter if not covered by Rules Bye-laws of the Chapter.



**5. Constitution of a new Chapter** – Procedure for constitution of a new chapter involves following steps:

- i. Chapter constitution proposals – Proposals for the constitution of a new chapter may come directly from the diaspora or it may be sought from them by Bihar Foundation Headquarters. The proposal be signed by proposer, seconded by a member and 10 (ten) other members as witnesses. The proposer/convenor, seconder and the signatories should be people of good moral character. Bihar Foundation Headquarters will strive to do a basic verification of the members. The proposal should also contain a few photographs/Videos of events (related to Bihar) organized by this group in recent times. The fitness of the proposal will serve as basis for constitution of chapter in the selected place subject to approval of Chief Executive Officer, Bihar Foundation.  
If more than one proposal is received for the same district/city, all will be merged together to form one Chapter.
- ii. Registration – Once the proposed place of opening a new chapter is approved by the CEO, Bihar Foundation, the process of registration of the diaspora in the website of Bihar Foundation shall commence. The proposer and seconder of the proposal for chapter formation shall act as the President and Secretary of the proposed chapter till new President and Secretary are elected in the General Body meeting.
- iii. Appointment of an Observer – After the successful completion of registration process, an observer shall be appointed. The observer will interact either physically or virtually with different diaspora groups in the proposed chapter and acquaint them with Bihar Foundation and its objectives. Criteria for selection of Observer is as below:
  - a. He/she must be a person from Bihar or belonging to Bihar Diaspora. He/she should be neutral and preferably from other geographical territory.
  - b. He/she may be someone from Bihar Foundation team or a member of another chapter.
- iv. General Body Meeting – A General body meeting shall be organized in the presence of the appointed observer. The acting President and Secretary of the proposed chapter shall ensure that information regarding this general election reaches maximum possible diaspora representing different walks of life viz. politics, bureaucracy, cultural, entertainment, religious, sports etc. They shall strive to inform about this General body election to all registered members from the proposed chapter. The observer will nominate candidates for various positions viz. President, Secretary, Treasurer and Executive Committee Members (the executive committee may not exceed seven members including the President, Secretary and Treasurer) based upon criteria laid down in Annexure – II before the meeting. The observer should announce the name and profile of nominated candidate to the voters on or before the date of meeting.
- v. Quorum of General Body Meeting: Minimum quorum for a General Body Meeting to be convened will one tenth of the registered members or a minimum of 10 members, whichever is higher. Decisions will be taken by simple majority vote of the people present and voting.
- vi. Selection of Executive Committee – During the general body meeting the observer will strive to conduct a fair election (physically or virtually) in his/her presence to select the first Executive Committee of the new chapter.
- vii. Seeking suggestions/opinions of the Bihar community - The list of proposed executive committee members of the concerned chapter will be displayed on the website for 15 days to seek any suggestions/opinions from the Bihar community of the proposed chapter



- viii. Final approval – The observer will then send the duly filled and signed copy of Friendship Charter clearly stating his/her recommendation of chapter constitution at the last page of Friendship Charter to the Bihar Foundation office, Patna. The Friendship Charter along with Observer's recommendation for constitution of the chapter will be sent to Executive Committee, Bihar Foundation for final approval.
- ix. However, a chapter shall become eligible for any benefits after they acquire a membership of a minimum of 50 members or more.
- x. A Chapter so formed may register itself under the Societies' Registration Act, 1860 (if within India) or any similar Act applicable to the land. However, such chapters shall also come under the overall discipline and control of the Headquarters and abide by its Rules & Bye-laws as amended from time to time.
- xi. In locations where an active Bihari organization is already present, the following steps should be taken to establish a chapter:
  - a. The existing organization may be formally incorporated as a chapter of the Bihar Foundation.
  - b. Alternatively, Efforts should be made to merge the organization with either an existing chapter or a newly formed chapter of the Bihar Foundation.

#### 6. Patrons/Special Invitees

- i. **Ex-Officio Patrons**– All local Members of Parliament/Members of the Legislative Assembly/Members of Legislative Council and all members of the All-India Services, having Bihar as Domicile State, will be ex-officio patrons.
- ii. **Nominated Patrons**– The Chapters may nominate, from time to time, such persons (who may not be members of the Chapter) as they may deem necessary, as patrons of the chapter for a limited period of time. Bihar Foundation Headquarters may also, if required, nominate persons for limited period as patrons to the Chapter.
- iii. **Special Invitees**: The Chapter may decide to have special invitees from outside the diaspora to General Body Meetings and Executive Committee Meetings, but the number of such invitees should not exceed 10 at a time. The special Invitee will not have a voting right.

7. **Changes in composition of chapter** – Any minor change taking place in the composition of Executive Committee at any time for any reason shall be intimated to the Bihar Foundation HQ within 30 days from the occurrence of date of change.

8. **State/Country Chapter**: All the executive committee members of the local chapter/s within a State shall also be the member of the State Chapter. The President of the District Chapter with the largest number of members shall be the President of the State Chapter. The President of the District Chapter with second largest Number of members shall be the Secretary of the State Chapter. Treasurer and other members of the executive committee should be elected by the executive committee of state.

For Overseas Chapters, all the executive committee members of City/State chapter/s within a Country shall also be the member of the Country Chapter. The President of the City/State Chapter with second largest Number of members shall be the Secretary of the Country Chapter. A treasurer and other executive committee members may be elected by the members of Country Chapter.



**9. Filling up of key vacant post(s) in an existing chapter** – Procedure for filling up of key vacant post(s) of Secretary level or above, as per Friendship Chapter of Bihar Foundation involves following steps:

- i. Appointment of an Observer – An observer will be appointed for the chapter where vacant post(s) of Secretary level or above are needed to be filled. The observer will interact either physically or virtually with different diaspora groups in the proposed chapter and acquaint them with Bihar Foundation and its objectives. Criteria for selection of Observer is same as mentioned previously.
- ii. General Body Meeting - A General body meeting shall be organized in the presence of the appointed observer. The observer shall ensure that information regarding this general election reaches to maximum possible diaspora representing different walks of life viz. politics, bureaucracy, cultural, entertainment, religious, sports etc. He/she will nominate candidates for vacant positions based upon criteria laid down in Annexure – II before the meeting. The observer should announce the name and profile of nominated candidate to the voters (only members of Bihar diaspora) on before the date of meeting.
- iii. Selection of candidate for vacant posts - During the general body meeting the observer will conduct a fair election (physically or virtually) in his/her presence to select the candidate for vacant posts. The observer will then send the duly filled and signed copy of Friendship charter clearly stating his recommendation of selection of candidate at the last page of Friendship Charter to the Bihar Foundation office.
- iv. Final approval - The Friendship Charter along with Observer's recommendation of candidate for vacant post(s) will be sent to Chief Executive Officer of Bihar Foundation for approval who will in turn place it before the Executive Committee and the Governing Body.

**10. Functions of Chapters:** The Chapters shall strive to plan, organize and engage in activities aimed to further the objectives of the Bihar Foundation as outlined in Rule No. 4 of the Memorandum of Association.

The Chapters shall function in their area of jurisdiction as decided by the Bihar Foundation. However, in special circumstances, the Chapter may decide to collaborate with other Chapters to organize activities in other areas. In such cases, a written request of the Executive Committee of the Chapter where such activity is being organized shall be made to the Executive Committee of other Chapters. The concerned State Chapter and Bihar Foundation HQs shall be apprised of the same.

The chapters shall regularly organize membership drive to broaden its membership base. The Chapters shall send a quarterly report of the activities (including membership drives) organized to the Bihar Foundation Headquarters through the State/Country Chapters.

**11. Sub Committees:** The Chapters may decide to form sub-committees such as HRD Committee, Business Committee, Cultural Committee, etc, for various activities and functions.

**12. Re-constitution of a Dormant/Suspended Chapters** – A chapter will fall into the category of a dormant/suspended chapter in either of the following case:

- i. If a chapter cannot muster a minimum of 50 members of Bihar diaspora within three (3) months from the date of formation of chapter. The Chief Executive Officer, Bihar Foundation will have the discretion to extend the time limit if he/she so deems fit.
- ii. If more than 50% percent of Executive committee members positions are vacant.



- iii. If the Chapter does not fulfil the objectives of the Bihar Foundation as mention in the Memorandum of Association or the activities of the Chapter are repugnant to the objectives of Bihar Foundation as mentioned in Memorandum of Association.
- iv. To prevent any chapter from becoming dormant, CEO of Bihar Foundation will have power to appoint a President, secretary or executive committee.
- Procedure for re-constitution of a dormant chapter involves same steps as mentioned in Constitution of new Chapter of this policy.

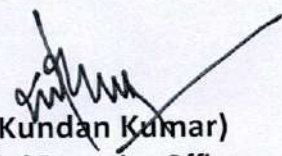
**13. Disciplinary control over chapters** – All Chapters of the Foundation namely Indian and Overseas Chapters shall be under the overall control of the Headquarters and governed by Rules and Bye-laws of Bihar Foundation Headquarters as amended from time to time. Even chapters having their own Rules and Bye-laws should function in general conformity with that of Bihar Foundation. Bihar Foundation may suspend or permanently de-affiliate a chapter if it is found engaged in any activity contrary to the objectives of Bihar Foundation. Chapters of Bihar Foundation shall have no power to suspend or cancel the membership of any registered member without HQs approval. However, Bihar Foundation reserves the right to cancel the membership of any diaspora without assigning any reason. No member of the Bihar Foundation or the State/ Local chapters shall directly approach the court of law unless he/she is aggrieved by the results and decisions taken by Bihar Foundation.

**14. Chapter Office:** All Chapters may strive to have an office space with a proper address to the extent possible. Such an office may have the necessary staff to maintain records and plan events. This office can act as a point to contact for the Bihar diaspora, to put in an application for help or assistance.

**15. All Legal Matters Involving Chapters be Intimated to Bihar Foundation Headquarter:**  
All Chapters of Bihar Foundation pan India shall keep the Bihar Foundation HQs informed about all Court Cases which are of importance for the Bihar Foundation fraternity, so that Bihar foundation HQs & the chapters can take action collectively in the interest of Bihar Foundation.

**16. Accounts and Financial responsibility of chapter** – Chapters shall strive to have a separate bank account and maintain their own financial books with utmost diligence ensuring all legal compliance eg. Annual audit, tax returns etc. Bihar Foundation hqs shall not be held responsible for any financial irregularity that comes to light in any local or overseas chapter. However, Bihar Foundation hqs shall have the right to inspect accounts and registers of all chapters. The Chapters will also share an audited budgetary report with the Bihar Foundation Headquarters.

**17. Dispute Resolution:** In case of dispute between two or more local chapters/State Chapters, The Bihar Foundation Headquarters shall have the complete authority to resolve the dispute.

  
(Kundan Kumar)  
Chief Executive Officer  
Bihar Foundation, Patna





**बिहार फाउन्डेशन**  
**Bihar Foundation**

**MEMORANDUM OF ASSOCIATION**

**"Vikas Bhawan" 2<sup>nd</sup> Floor  
Department of Industries, Govt. of Bihar, Patna-800015,  
India**



## **BIHAR FOUNDATION**

### **MEMORANDUM OF ASSOCIATION**

1. The name of the Society shall be Bihar Foundation.
2. The Registered Office of the Society shall be situated at Vikas Bhawan, Department of Industries, Patna.
3. In this Memorandum:
  - (a) Foundation shall mean "Bihar Foundation".
  - (b) "Central Government" shall mean the "Government of India".
  - (c) "State Government" shall mean the "Government of Bihar".
  - (d) Society will mean Bihar Foundation.
4. The Foundation is established as a non profit society to carry out the following objectives.
  - (i) To strengthen and renew the bonds between all stake holders in the overall socio-economic development of the State. This would be undertaken through different programmes and activities including integrated rural development, eradication of poverty, upliftment of weaker sections, provisions for Medicare, education, training, cultural, sports and recreational facilities and encouraging research & development for accelerated growth of the economy of the State.
  - (ii) To facilitate participation of Bihari Diaspora in the Development of the State of Bihar and welfare of its people.
  - (iii) To promote well being of Biharis living in different part of the country and the world.
  - (iv) To provide a forum for, and to facilitate a process of continuous communication and interaction between Non Resident Biharis and the State of Bihar and its various agencies.
  - (v) To take all steps to accelerate human, social and economic development in Bihar.
  - (vi) To organize training, guidance and information for the benefit of all stake holders and beneficiaries.
  - (vii) To setup libraries, reference and information centers and systems, promotion centers and bodies, demonstrations and common service centers relevant to the objectives of the Foundation.
  - (viii) To publish literature and material in the form of papers, case studies, reports, brochures, pamphlets, periodicals, digests, journals, project profiles or magazines etc in print, electronic and any other suitable media and make these available to the prospective supporters, beneficiaries, other bodies & institutions and to assist other institutions engaged in such activities.
  - (ix) To establish, develop support centers for documentation, maintenance and supply of data, projects and information which may be useful to the Govt., beneficiaries, supporters, contributors and other stake holders.
  - (x) To co-ordinate and facilitate the developmental and promotional activities of all institutions engaged in economic upliftment and social development in the State of Bihar.
  - (xi) To establish, maintain or manage offices, centres, counters, rest houses, conference halls wherever, required to further the cause of socio economic development of Bihar and welfare of its people.
  - (xii) To provide inputs and suggestions to the Govt. regarding policies and schemes designed for improving the Socio-Economic Development of the State and create such funds and endowments as necessary for these objectives.
  - (xiii) To assess social infrastructure in the State and meet the gaps therein.
  - (xiv) To raise or borrow money from time to time for any objectives of the Foundation with or without giving any security, goods or articles or by mortgaging or pledging charge, hypothecating or selling or receiving on the sale of any land, building, machinery, goods, assets or revenue of the Foundation present or future as the governing body may in its absolute discretion deem expedient with the approval of the State Government.



- (xv) To do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objectives of the Foundation.
5. The Governing Body of the Foundation shall be the body constituted as such under the rules of the Foundation.
  6. The income and property of the Foundation shall be applied towards the promotion of the objective as set forth in this memorandum of association subject to such limitations as the Govt. may from time to time, impose. No portion of the income and property of the Foundation shall be paid or transferred directly or indirectly by way of dividends, bonus, or otherwise howsoever by way of profits to the persons who may at any time be or have been members of the Foundation or to any persons claiming through them. Provided, that nothing herein contained shall prevent payment in good faith of remuneration in return for any service rendered to the Foundation.
  7. On the winding up or dissolution of the Foundation, there shall remain after the satisfaction of the debt and liabilities, any property whatsoever, the same shall not be paid or distributed among the members of the Foundation or any of them but shall be utilized in such a manner as the State Government may determine, in accordance with the provisions of the Society Registration Act 1860.
  8. The Management of the affairs of the Foundation will be entrusted in accordance with the rules of the Foundation to a Governing Body of which the first-ex-officio members shall be :-

Sl. No.	Name	Occupation (Designation)	Address	Designation
01	Sri Nitish Kumar	Chief Minister, Bihar, Patna	Old Secretariat, Patna	Patron
02	Sri Sushil Kr. Modi	Dy. Chief Minister, Minister of Finance, Bihar, Patna	Old Secretariat, Patna	Chairman
03	Sri Brishan Patel	Minister of Human Resource Development, Bihar, Patna	Vikas Bhawan, Patna	Member
04	Sri Chandra Mohan Rai	Health Minister, Bihar, Patna	Vikas Bhawan, Patna	Member
05	Sri N. K. Singh	Dy. Chairman, Planning Board Bihar, Patna	Soochna Bhawan, Patna	Member
06	Sri Gautam Singh	Minister of State, Industry, Bihar, Patna	Vikash Bhawan, Patna	Member
07	Sri Ashok Kr. Choudhary	Chief Secretary, Bihar, Patna	Old Secretariat, Patna	Member
08	Sri R. J. M. Pillai	Development Commissioner, Bihar, Patna	Old Secretariat, Patna	Member Secretary
09	Sri S. Vijayaraghavan	Industrial Dev. Commissioner, Bihar, Patna	Vikas Bhawan, Patna	Member
10	Sri Navin Kumar	Finance Commissioner, Bihar, Patna	Old Secretariat, Patna	Member

9. The first member of the Foundation shall be persons mentioned hereunder. Unless otherwise provided membership shall be vested with and transferred according to the official designations mentioned hereunder.

*We the under signed whose names and address are hereunder subscribed are desirous of being formed into a Society in pursuance of this Memorandum of Association.*



*We the undersigned, certify that we know above signatories and they have signed in our presence. We undersigned also declare that we are not members of above Foundation*

Sl.No.	Name	Occupation (Designation)	Address	Sign.
01	Sri Nitish Kumar	Chief Minister, Bihar, Patna	Old Secretariat, Patna	Sd/-
02	Sri Sushil Kr. Modi	Dy. Chief Minister, Minister of Finance, Bihar, Patna.	Old Secretariat, Patna	"
03	Sri Brishan Patel	Minister of Human Resource Development, Bihar, Patna	Vikas Bhawan, Patna	"
04	Sri Chandra Mohan Rai	Health Minister, Bihar, Patna	Vikas Bhawan, Patna	"
05	Sri N. K. Singh	Dy. Chairman, Planning Board Bihar	Soochna Bhawan, Patna	"
06	Sri Gautam Singh	Minister of State, Industry, Bihar, Patna	Vikash Bhawan, Patna	"
07	Sri Ashok Kr. Choudhary	Chief Secretary, Bihar, Patna	Old Secretariat, Patna	"
08	Sri R. J. M. Pillai	Development Commissioner, Bihar, Patna	Old Secretariat, Patna	"
09	Sri S. Vijayaraghvan	Industrial Dev. Commissioner, Bihar, Patna	Vikas Bhawan, Patna	"
10	Sri Navin Kumar	Finance Commissioner, Bihar, Patna	Old Secretariat, Patna	"

Sd/-

**(Mahesh Prasad)**

(Director, Technical Dev., Deptt. of Industries)

Sd/-

**(Chanchal Kumar)**

(Special Secretary, C. M. Secretariat)

## BIHAR FOUNDATION Rules

### 1. NAME OF THE SOCIETY:

The name of the society shall be BIHAR FOUNDATION.

### 2. REGISTERED OFFICE & JURISDICTION:

The registered office of the Foundation shall be situated at Vikas Bhawan, Department of Industries, Patna and shall work in the whole of India.

### 3. OBJECTIVES:

The Foundation is a non-profit making organization established to carry out the following objectives:

- (1) To strengthen and renew the bonds between all stake holders in the development of Bihar including both Resident and Non-resident Biharis and the State of Bihar for overall socio-economic development of the State. This would be undertaken through different programmes and activities including integrated rural development, eradication of poverty, upliftment of weaker sections, provisions for drinking water and other infrastructural facilities, including health and Medicare, education, training, cultural, sports and



recreational facilities and encouraging research & development for accelerated growth of the economy of the State.

- (2) To facilitate participation of Bihari diaspora in the Development of State of Bihar and welfare of its people.
- (3) To promote well being of Biharis living in different part of the country and the world.
- (4) To provide a forum for, and to facilitate a process of continuous communication and interaction between Non Resident Biharis and the State of Bihar and its various agencies.
- (5) To take all steps to accelerate human, social and economic development in Bihar.
- (6) To organize training, guidance and information for the benefit of all stake holders and beneficiaries.
- (7) To organize libraries, reference and information centres and systems, promotion centres and bodies, demonstrations and common service centres relevant to the objectives of the Foundation.
- (8) To publish literature and material in the form of papers, case studies, reports, brochures, pamphlets, periodicals, digests, journals, project profiles or magazines etc in print, electronic and any other suitable media and try to make these available to the prospective supporters, beneficiaries, other bodies & institutions and to assist other institutions engaged in such activities.
- (9) To establish, develop and support centres to the extent possible for documentation, maintenance and supply of data, projects and information which may be useful to the Government beneficiaries, supporters, contributors and other stake holders.
- (10) To co-ordinate and facilitate the developmental and promotional activities of all institutions engaged in economic upliftment and social development in the State of Bihar.
- (11) To establish, maintain or manage offices, centres, counters wherever, required to further the cause of socio economic development of Bihar and welfare of its people.
- (12) To provide inputs and suggestions to the Government regarding policies and schemes etc. for the Socio-Economic Development of the State.
- (13) To assess social infrastructure in the State and suggest measures to meet the gaps therein.
- (14) To raise or borrow money from time to time for any objectives of the Foundation with or without giving any security, goods or articles or by mortgaging or pledging charge, hypothecating or selling or receiving on the sale of any land, building, machinery, goods, assets or revenue of the foundation present or future as the governing body may in its absolute discretion deem expedient, with the approval of the State Government.
- (15) To do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objectives of the Foundation.

#### **4. MEMBERSHIP:**

- (1) The General Body of the Foundation shall consist of the following members:
  - (i) Signatories to the Memorandum by virtue of their holding office.
  - (ii) The membership shall be open to individuals, associations, corporate bodies/group of the persons who subscribe to objectives of the Foundation and are approved/nominated by the Governing Body
  - (iii) The persons who have signed the Memorandum of Association shall be by virtue of their office the first members of Foundation duly admitted.
- (2) When a person becomes or is appointed or nominated a member of the Foundation by virtue of an office held by him, his membership of the Foundation shall terminate when he ceases to hold that office and the vacancies so caused shall be filled by his successor to that office.
- (3) Whenever a nominated member desires to resign from the membership of the Foundation, he shall address his resignation to the Member Secretary and present it to him. His resignation shall take effect only on its acceptance by the Chairman of the Foundation.
- (4) Any vacancies in the membership of the Foundation by resignation or otherwise shall be filled up by appointment or nomination by the Governing Body.



- (5) The Foundation shall function notwithstanding that any person entitled to be a member by reasons of his office is not represented in the Foundation for the time being. The proceedings of the Foundation shall not be invalidated by the above reason from the existence of any vacancy or any defects in the appointment of any of its member.
- (6) The foundation shall maintain a roll of members at its registered office and every member shall sign the roll and state therein his occupation and address.
- (7) It shall be incumbent upon a member of the Foundation to notify to the Member Secretary any change of his address and occupation.
- (8) The Foundation shall enter into the register of membership the following particulars:
  - (i) Name & Address of each members.
  - (ii) The date on which the member was admitted.
  - (iii) The date on which the member ceased to be a member.
- (9) A member of the Foundation or the Governing Body shall cease to be such a member if he-
  - (i) dies or
  - (ii) resigns from his membership or

Sl.	Name & Father's Name	Occupation (Designation)	Address	Designation
01	Sri Nitish Kumar	Chief Minister, Bihar, Patna	Old Secretariat, Patna	Patron
02	Sri Sushil Kumar Modi	Dy. Chief Minister, Minister of Finance, Bihar, Patna	Old Secretariat, Patna	Chairman
03	Sri Brishan Patel	Minister of Human Resource Development, Bihar, Patna	Vikas Bhawan, Patna	Member
04	Sri Chandra Mohan Rai	Health Minister, Bihar, Patna	Vikas Bhawan, Patna	Member
05	Sri N. K. Singh	Dy. Chairman, Planning Board Bihar, Patna	Soochna Bhawan, Patna	Member
06	Sri Gautam Singh	Minister of State, Industry, Bihar, Patna	Vikash Bhawan, Patna	Member
07	Sri Ashok Kr. Choudhary	Chief Secretary, Bihar, Patna	Old Secretariat, Patna	Member
08	Sri R. J. M. Pillai	Development Commissioner, Bihar, Patna	Old Secretariat, Patna	Member Secretary
09	Sri S. Vijayaraghavan	Industrial Dev. Commissioner, Bihar, Patna	Vikas Bhawan, Patna	Member
10	Sri Navin Kumar	Finance Commissioner, Bihar, Patna	Old Secretariat, Patna	Member

- (iii) becomes of unsound mind or
- (iv) becomes of insolvent or
- (v) is convicted of a criminal offence involving moral turpitude or
- (vi) is removed by the State Government in case of members holding office in the state Government.

## 5. GOVERNING BODY:

- (1) Governing Body shall consists of the following members by virtue of their office:
- (2) The above members of the Governing Body shall be the members by virtue of their posts. The Chairman of the Governing Body is also empowered to nominate fifteen members in the Governing Body for a period of two years. The said members shall be taken up from the following groups of people.
  - (i) Not exceeding 10 Members from amongst Biharis residing in different parts of the Country. They may represent different vocations/professions and/or are eminent personalities in their respective fields.
  - (ii) Not exceeding five members from Bihari community residing in overseas countries & representing different location, profession, vocation etc.
- (3) Chairman of the Governing Body in his discretion may appoint/nominate upto 5 persons in the Governing Body for the period of two years, keeping in view their past or likely contribution to the objectives of the Foundation.
- (4) Chairman of the Governing Body in his discretion may appoint Vice-Chairman from amongst members of Governing Body.
- (5) The Members of the Governing Body shall not be less than twelve and more than thirty two.



## 6. POWER AND FUNCTIONS OF THE GOVERNING BODY:

- (1) The general superintendence, directions and control of affairs of the Foundation shall be vested in the Governing Body of the Foundation. Save as herein expressly provided all the duties, powers, functions and rights whatsoever of consequential and incidental nature to the carrying out of the objectives of the Foundation shall be exercised by the Governing Body.
- (2) In particular and without prejudice to the generality of the foregoing provisions, and to achieve these objectives of Foundation, Governing Body of the Foundation may:
  - (i) Prepare and execute detailed plans and programme for the establishment and promotion of the Foundation and to carry out its administration and management after such establishment.
  - (ii) Receive grants and contribution and have custody of the funds of the Foundation.
  - (iii) Prepare the Budget estimates of the Foundations for each year, and to sanction the expenditure within the limits of the budget.
  - (iv) Demand and receive and recover fees & other charges as may be prescribed by the Govt. Body for any service provided by the society.
  - (v) Pay honorarium, remuneration, fees, charges to any person in lieu of services to the Foundation in furtherance of any objectives of the Foundation.
  - (vi) Create teaching, administrative, technical, ministerial and other posts under the Foundation.
  - (vii) Co-operate with any other organization in the matter of training, research, finance and other things related to Entrepreneurship Development programme.
  - (viii) Sue and defend all legal proceedings on behalf of the Foundation.
  - (ix) Appoint committees for the disposal of any business of the Foundation/for rendering advice in any matter pertaining to the Foundation.
  - (x) Delegate to such extent as it may deem necessary any of its powers to any officer or Executive Committee of the Governing Body.
  - (xi) Consider and pass such resolution on the annual report, the annual accounts and the financial estimates of the Foundation as it thinks fit.
  - (xii) Make adopt, amend, vary or rescind from time to time bylaws:
    - (a) For conduct of business of the Governing Body and the committee to be appointed by it.
    - (b) For delegation of its powers.
    - (c) For fixing the quorum.
  - (xiii) Perform such additional functions and carry out such duties as may from time to time be assigned to it by the State Government.
  - (xiv) The Governing Body shall by resolution delegate to the Executive Committee, Chairman and/or the Member Secretary such of its powers for the conduct of its affairs as it may considered necessary or desirable

## 7. EXECUTIVE COMMITTEE:

- (1) The Governing Body shall constitute an Executive Committee consisting of following:

(i) Dy. Chief Minister	Chairman
(ii) Development Commissioner, Bihar, Patna	Member
Secretary	
(iv) Industrial Development Commissioner, Govt. of Bihar.	Member
(v) Finance Commissioner, Govt. of Bihar.	Member
(vi) Secretary (Planning), Govt. of Bihar	Member
(vii) Three to be nominated from amongst the non officials Member of the Governing Body by the Chairman at least one of whom will be a woman member.	Member
- (2) Governing Body may delegate such powers as it may deem necessary from time to time to the Executive Committee. The minutes of meeting of Executive Committee shall be



put up in the next meeting of the Governing Body for information of the Members.  
Executive Committee shall ordinarily meet once in three months.

- (3) Member Secretary of the Governing Body and Executive Committee shall be the Development Commissioner, Bihar of the Foundation. He / She will be the Chief Executive Officer of the Foundation and shall discharge all the executive functions of the Foundation in accordance with broad policy and guidelines laid by the Governing Body.

**8. CHAIRMAN AND VICE CHAIRMAN:**

- (1) Chairman of the Governing Body shall be the Deputy Chief Minister, of the State of Bihar and in absence of Dy. Chief Minister nominated by Patron.  
(2) Vice-Chairman may be nominated by the Chairman, Governing Body from amongst the members of the Governing Body.

**9. MEMBER SECRETARY:**

The Member Secretary shall be the Development Commissioner, Bihar.

**10. CHIEF EXECUTIVE OFFICER:**

There shall be a Chief Executive officer of the Foundation who shall be appointed on the recommendation of the Executive Committee by the Member Secretary.

**11. MEETING OF THE GOVERNING BODY:**

- (1) The Governing Body shall ordinarily meet once in every six months provided that the Chairman may himself on his own or on a requisition of at least six members of the Governing Body may require it to be called at any time on which the meeting will be called mandatorily not less than seven days notice shall be given for every meeting of the Governing Body and a copy of the proceedings of the meeting shall be circulated to members of the Governing Body and the State Govt. as soon as practicable after the meeting.
- (2) One fourth of total member of Governing Body or six members (including the Chairman) whichever is less shall constitute a quorum for any meeting of the Governing Body. In case meeting is adjourned for want of quorum the adjourned meeting shall be held on the same day, Time and place in the next week. Members present shall constitute the quorum in the adjourned meeting.
- (3) In case of difference of opinion among members, the opinion of the majority shall prevail.
- (4) Each member of the Governing Body including the Chairman shall have one vote and if there shall be equality of votes on any question to be determined by the Governing Body, the Chairman shall in addition have and exercise a casting vote.
- (5) Every meeting of the Governing Body shall be presided by the Chairman. In absence of Chairman, the Vice-Chairman, if any shall preside the meeting.
- (6) In absence of both Chairman and Vice-Chairman, the members present in the meeting shall elect member present in the meeting to be Chairman for that meeting.
- (7) Any resolution may be adopted by circulation among all its members and any resolution so circulated and adopted by majority of the members who have signified their approval or disapproval of such a resolution shall be as effective and binding as if the resolution had been passed at the meeting of the Governing Body.
- (8) Within 30 days after holding of Annual General Meeting following shall be filled with the Registrar of Societies.
- (i) A list of names, address and occupations of the members of the Governing Body, the Chairman, Member Secretary and of Office Bearers of the Foundation.
  - (ii) An Annual report for the previous year and,
  - (iii) A copy of the Balance Sheet and of the Auditors's Report certified by the Auditors. Such a list and the Annual Report shall be certified by the Chairman and the Member Secretary, and one other Member of the Governing Body as may be nominated by it.



## **12. POWERS AND FUNCTIONS OF CHAIRMAN AND MEMBER SECRETARY:**

- (1) The Chairman shall have power to invite any person or persons not being Members of the Governing Body to attend the meeting of the Governing Body but such invitees shall not be entitled to vote at the meeting.
- (2) Subject to the Rules, Regulations, bylaws and the orders of the Governing Body, Member Secretary of the Foundation shall be responsible for proper administration of the Foundation and for the conduct of its affairs under the direction and control of the Governing Body and enter into agreement for and on behalf of the Foundation.

## **13. THE POWER AND THE FUNCTION OF CHIEF EXECUTIVE OFFICER:**

Chief Executive officer of the Foundation shall have such duties and responsibilities as may be determined by the Governing Body from time to time. Subject to the above the duties of the Chief Executive Officer shall be:

- (1) To have general control over the administration of the Bihar Foundation.
- (2) To receive all moneys and securities on behalf of the Foundation and to make arrangements for the proper maintenance and custody of cash balance and other properties of the Foundation.
- (3) To endorse and transfer promissory notes, Government and other securities and to endorse, sign negotiate cheques and other negotiable Instruments on behalf of the Foundation.
- (4) To be responsible for the general conduct, supervision and management of day to day business of the Foundation.
- (5) To sign all deposit or receipts and operate the accounts of the Foundation with Banks.
- (6) To sign all bonds and agreements in favour of the Foundation.
- (7) To create, posts in the Foundation with approval of the Executive Committee.
- (8) To institute, conduct, defend, compound or abandon any suit or legal proceeding by or against the Foundation or otherwise and also compound and allow time for payment of any claim or demand by or against the Bihar Foundation.
- (9) To determine the powers, duties and responsibilities of the employees of the Foundation.
- (10) Subject to the regulations, if any, which may be framed by the Executive Committee to enter into negotiations and sanction contracts upto the value of Rs. 50 lacs each during the construction phase.
- (11) To delegate all or any or the powers, authorities and directions vested in him to an employee or employees of the Foundation, subject to the ultimate control and authority being retained by him.
- (12) To suspend any staff of the foundation and report the same to the Executive Committee for ratification.
- (13) To award punishment including discharge & dismissal from service to staff.
- (14) To sanction normal increments to all staff.
- (15) To administer rules framed by the Governing Body and Executive Committee.
- (16) To maintain proper accounts.
- (17) To ensure the safety of the property, documents and cash of the Foundation.
- (18) To submit to the Executive Committee monthly statement of receipts and expenditure and monthly Trial Balance.
- (19) To ensure compliance of any statutory provisions.
- (20) To bring to the notice of the Executive Committee matters relating to timely purchase, fixation of agencies, appointment of staff etc. and to ensure timely repairs, overhauling of machinery, renovation and modernization, other property of the Foundation.
- (21) To take prompt action for the rectification of audit and inspection notes and to put such notes together with their rectification reports before the Governing Body.
- (22) To exercise such other powers as may be delegated by the Governing Body.

## **14. ANNUAL GENERAL MEETING OF MEMBERS:**



- (1) The Foundation shall hold an Annual General Meeting at least once every year and not more than 15 months shall elapse between two successive Annual General Meeting.
- (2) The Balance sheet, the Income and Expenditure Accounts, the Auditor's Report, and Annual Progress shall be placed at the Annual General Meeting of the Foundation for consideration.
- (3) One fourth of total Membership of Foundation shall be quorum of the meeting. In case meeting is adjourned for want of quorum the adjourned meeting shall be held on the same day, time and place in the next week. Members present shall constitute the quorum in the adjourned meeting.

#### **15. FUNDS OF THE FOUNDATION:**

- (1) The funds of the Foundation shall consist of the following:
  - (i) Grants received from the State Government, Central Government or from any Foundations or any other Body within India and / or abroad.
  - (ii) Donations or contribution from persons or bodies.
  - (iii) Income from investments.
  - (iv) Income from other sources.
- (2) The bankers of the Foundation shall be appointed by the Governing Body. All funds of the Foundation shall be credited into Foundation's Account with the said banks and shall not be withdrawn except by cheques signed by officers empowered in this behalf by the Governing Body.

#### **16. ACCOUNTS AND AUDIT:**

- (1) The Foundation shall keep at its registered office proper books of accounts in which should be entered accurately.
  - (i) All sums of money received and the source thereof and all sums of money expended by the Foundation and the object or purpose for which such sums are expended.
  - (ii) The Foundation's assets and liabilities.
- (2) Every member of the Governing Body shall have the right of inspection of accounts and registers and proceedings of the meeting maintained by the Foundation during office hours.
- (3) The accounts of the Foundation shall be audited by a Chartered Accountant to be appointed by the Governing Body. The Chartered Accountant will have a term of three years.
- (4) A Copy of the Annual Accounts shall be sent to the Registrar of Society within one month after adoption of the said accounts by the Governing Body.

#### **17. CHANGE IN COMPOSITION:**

If any change occurs in the composition of the Governing Body or in the holder of the office of the Chairman, Member or the Member Secretary at any time for any reasons, such change shall within 30 days, be notified to the Registrar of Societies.

#### **18. PROPERTY OF THE FOUNDATION:**

All property belonging to the Foundation shall be deemed to be vested in the Governing Body of the Foundation and shall be referred as "The Property of the Foundation".

#### **19. SUITS AND PROCEEDINGS BY AND AGAINST THE FOUNDATION:**

- (1) The Foundation may sue or may be sued in the name of Member Secretary or any office bearer authorized by the Governing Body in his behalf.
- (2) No suit proceedings shall abate by reason of any vacancy or change in the holder of the office of the Member Secretary or any office bearer authorized in this behalf.
- (3) Every decree or order against the Foundation in any suit or proceedings shall be executable against the property of the Foundation and not against the person or the property of the Chairman, Member Secretary or any office bearer.



- (4) Every member of the Foundation may be sued or prosecuted by the Foundation for any loss or damage caused to the Foundation or its property for anything done by him detrimental to the interest of the Foundation unless it is so done in the bonafide discharge of his duties in such capacity.

**20. NOTICES:**

- (1) A notice may be served to any member of the Foundation either personally or by post in duly addressed to the member, by E-mail by Courier Service at his address as mentioned in the roll of members.
- (2) Any notice so sent shall be deemed to have been duly served.

**21. ALTERATION OR EXTENSION OF THE OBJECTIVE OF THE FOUNDATION:**

The Foundation may alter or extend the objectives for which it is established in the following manner;

- (1) The Governing Body shall submit the proposals for such alteration or extension as aforesaid to the members of the General Body of the Foundation in a written or printed report.
- (2) The Governing Body shall convene a Special General Meeting according to the rules for consideration of the said proposition.
- (3) Such report shall be delivered or sent by post to every member of the Foundation with a clear notice of fifteen days about the Special General Meeting as aforesaid.
- (4) Such proposition is confirmed by a Resolution passed by two third of the members present and voting at the Special General Meeting so convened.

**22. AMENDMENT OF RULES:**

The Rules of the Foundation may be altered at any time by a resolution passed by two third majority of the members of the Foundation present and voting in any General Meeting of the Foundation which shall have been duly convened for the purpose. The modified rules will be deemed to have come into force in accordance with the provisions contained in the Bihar Societies Registration Act.

**23. DIRECTION OF THE STATE GOVERNMENT:**

Notwithstanding anything contained in any of these rules, the State Government may from time to time, issue policy directions which shall be binding on the Foundation.

24. The Registrar of Societies, Bihar, Patna shall have the right to inspect the records of the Society and his advice shall be complied with as per provisions of Societies Act,



## **Annexure – II**

### **Criteria for selection of members of Executive Committee**

- i. **President** – A person nominated for President position must have excellent network with other Bihar diaspora as well as with people from business and government fraternity. He/she should have permanent residence in the places of proposed chapter. He/she must demonstrate general leadership skills and should be willing and capable of resolving issues related to people from Bihar in the proposed chapter. He/she may be any of the below:
  - a. An entrepreneur, industrialist or businessman
  - b. A celebrity/influencer with large number of followers
  - c. A civil servant (in service or retired)
  - d. A person heading social organization of Bihar diaspora.
- ii. **Secretary** – A person nominated for Secretary position should be willing to devote time and energy for carrying out activities of chapters. He/she should be able to gather and arrange meetings of Bihar diaspora at short notice. He/she may be any of the below:
  - a. An entrepreneur, industrialist or businessman
  - b. A celebrity/influencer with large number of followers
  - c. A civil servant (in service or retired)
  - d. A person heading social organization of Bihar diaspora.
- iii. **Treasurer** – A person nominated for Treasurer position should be willing to devote time and energy for executing accounts/finance related tasks of chapters. He/she should be well educated with Commerce/Accounts background. CA/CS/ICWA or Exposure in Banking could be an added advantage.
- iv. **Executive Member** - A person from Bihar origin who is residing in the places of proposed chapter and who is willing to contribute to further the objectives of Bihar Foundation. Care must be taken to ensure that the committee represents different fields (eg culture, medicine, social work, etc.).

The Executive Committee should strive to meet at least once every three months.

The tenure of the Executive Committee will be for one year to be elected by the General Body of the Chapter. The Committee members can be re-elected for three consecutive years after which they cannot hold a post for a minimum period of one year.



## Annexure III

### FRIENDSHIP CHARTER

1. This Friendship Charter aims at the establishment of a mutual relationship Between BIHAR FOUNDATION, Patna and
2. The above association hereby constitutes Bihar Foundation  
\_\_\_\_\_ Chapter under the State Chapter of \_\_\_\_\_.
3. The office of the said chapter will be at \_\_\_\_\_
4. **Founder Members of the EXECUTIVE COMMITTEE of \_\_\_\_\_ Chapter:-**  
A meeting of the General Body of the \_\_\_\_\_ chapter of Bihar Foundation was held on \_\_\_\_\_ (date).  
The members of the Executive Committee were elected as follows:

<i>Executive Committee</i>	<i>Name, Profession, Address, Telephone No. &amp; e-mail</i>	<i>Address of Bihar</i>	<i>Signature</i>
President	Name: - Profession: - Address: -  Telephone No. - e-mail: -		
Secretary	Name: - Profession: - Address: -  Telephone No. - e-mail: -		
Treasurer	Name: - Profession: - Address: -  Telephone No. - e-mail: -		



Member	Name: - Profession: - Address: - Telephone No. - e-mail: -		
Member	Name: - Profession: - Address: - Telephone No. -e- mail: -		
Member	Name: - Profession: - Address: - Telephone No. -e- mail: -		
Member	Name: - Profession: - Address: - Telephone No. - e-mail: -		



5. The chapter will adhere to the rules of the Bihar Foundation, would follow the guidelines issued by the Foundation from time to time, and strive to work towards the objectives of The Bihar Foundation as enlisted in the Memorandum of Association.
6. This Friendship Charter is made between the under signed being duly authorised representative of BIHAR FOUNDATION, PATNA, INDIA and \_\_\_\_\_  
on \_\_\_\_\_

**President**  
\_\_\_\_\_  
**Chapter**  
**Bihar Foundation**

**Chief Executive Officer/Representative**  
**Bihar Foundation**