

BIHAR SKILL DEVELOPMENT MISSION

MEMORANDUM OF ASSOCIATION

**Labour Resources Department,
Vikas Bhawan
Patna (Bihar), India**

Bihar Skill Development Mission

MEMORANDUM OF ASSOCIATION

1. NAME OF THE SOCIETY: The Name of the Society shall be “Bihar Skill Development Mission”.

2. REGISTERED OFFICE OF THE SOCIETY: The registered office of the society shall be at Department of Labour Resources, Government of Bihar, Vikas Bhawan, Patna 800015.

3. AREA OF OPERATION: The area of operation of the Society shall be the territory of the State of Bihar.

4. IN THIS MEMORANDUM:

(a) "Central Government" means the "Government of India".

(b) "State Government" means the "Government of Bihar" (Department of Labour Resources).

(c) “Society” means the "Bihar Skill Development Mission”.

5. VISION OF SOCIETY: The vision of the society shall be “**Increasing the capacity & capability of the system to deliver quality skill training and professional knowledge to the youth to enhance their employability and bridge the skill deficit with a view to meet burgeoning market demand for skilled manpower**”.

6. OBJECTS: The Society is established as a non profit, independent and autonomous organization to carry out the following objectives:-

(i) To develop young men and women of Bihar as leaders for the promotion of the economic and industrial development of the Country and to play a creative role in service of humanity.

(ii) Increase employability of the youth and empower them to take part in the economic growth of Bihar and India, through chalking out a roadmap of providing professional and skill training in modern and market driven professions at reasonable cost and monitoring its delivery, and thereby reduce unemployment, poverty and socio-economic inequality.

- (iii) To monitor the quality of training imparted to produce targeted number of high quality skilled personnel across various strata of youth and workers, especially from amongst the disadvantaged sections.
- (iv) To create effective convergence between school education, professional courses and various skill development efforts of Central and State Governments.
- (v) To create benchmarks for research, development and quality of the professional and vocational courses including examination, certification, affiliation and accreditations.
- (vi) Assist in creating an enabling environment to attract investment in professional and skill development sector.
- (vii) To prepare roadmap to provide skill development training to the
 - Students passing out from primary elementary/high/Intermediate schools.
 - School drop-outs
 - Unemployed youth
 - Informal sector workers
 - Child labour and working children of advanced age
 - Women and other disadvantaged groups
- (viii) Formulation of policies and programmes to upgrade the Industrial Training Institutes/ Centres into Centre of Excellence.
- (ix) To map demand for skill sets in the market and formulate programmes to meet such demand through high quality skill training.
- (x) Developing a State Vocational Qualification Framework in areas that are still emerging or are Bihar specific.
- (xi) Develop self employment and entrepreneurial skills for youths of Bihar.
- (xii) To prepare a roadmap to provide skill-based services to Self Help Groups (SHGs) for earning reasonable income there from.
- (xiii) To act as a platform for job seekers and provide assistance in getting self employment.
- (xiv) To assist the State Government in formulating appropriate policy, legislations and/or measures to fulfil the skill gap and constitute task forces for this purpose

- (xv) To carry out or implement any other activities/ schemes which are beneficial for the youth of State of Bihar.
- (xvi) To promote and carry out, on its own or on behalf of the State Government, activities to generate awareness, research and study on the skill demand.
- (xvii) To undertake the capacity building programmes of various stakeholders working in the professional and skill development sector.
- (xviii) To enter into any arrangement/agreement with any person, company or association having similar objectives.
- (xix) To get funds, grants, subsidies, loans or financial assistance from State Government, Central Government or any Person, Company or Association or Organization having similar objectives.
- (xx) To give grant, subsidies or financial assistance to any Person or Association or Organization to carry out any specific task/(s) entrusted to it by the Society or in return for the services rendered to the Society.
- (xxi) All income, earning, movable and immovable properties of the Society shall be solely utilized and applied towards the promotion of its aim and objects only as set forth in the Memorandum of Association and no profit there shall be paid or transferred directly or indirectly by way of dividends, bonus, profits or in any manner to the present, past or future members of the Society. No member of the Society shall have any personal claim on any movable or immovable properties of the Society or make any profit, howsoever by virtue of his/her membership.
- (xxii) To purchase, hire, take on lease, exchange or otherwise acquire property movable or immovable, which may be necessary or convenient for the purpose of the Society and construct, alter and/or maintain such buildings and work as may be necessary for carrying out the objects of the Society

- (xxiii) To sell, hire, lease, exchange or otherwise transfer or dispose of all or any property, movable or immovable of the Society which may be necessary or convenient for the purpose of the Society; provided that for the transfer of immovable property prior approval in writing of the State Government is obtained.
- (xxiv) To borrow and raise monies on mortgages, promissory notes or other securities or without any securities which may be necessary or convenient for the purpose of the Society; provided that prior approval in writing of the Government of Bihar is obtained in that behalf.
- (xxv) To create Corpus Fund, Reserve Fund, Sinking Fund, Insurance Fund, or any other Special Fund whether for depreciation, repair, improvements, extension or maintenance of any of the properties or rights of the Society and/or for recouping wasting assets and for any other purposes for which the Society deems it expedient or proper to create or maintain any such Fund or Funds.
- (xxvi) To purchase or take by way of lease, sub-lease, gift, exchange, hire or otherwise acquire any movable or immovable property, and in particular any land, buildings, workshops, laboratories, equipments, furniture, scientific records, experimental data, library, plant, apparatus appliances and any rights or privileges necessary or convenient for the purposes of the Society and contract, erect, alter, improve, and maintain any building and to manage, develop, sell, demise, let, mortgage, dispose of, turn to account or otherwise deal with all or any part of the assets and rights of the Society for cash or any other consideration with a view to the promotion of the objects of the Society.
- (xxvii) To use the funds and any of the assets of the Society in the employment of the persons, or of learning or skill, the provision and use of buildings, and purchase and maintenance of instruments, materials and appliances for scientific research;
- (xxviii) To do all such other things as may be necessary, ancillary, incidental or conducive to the attainment of all or any of the objects of the Society.

7. CORE ELEMENTS OF THE MISSION

In order to achieve the Vision and Objects, the Mission will have the following core elements:

- (i) To suggest measures to strengthen supply side intervention in professional and skill development sector.
- (ii) To suggest ways to turn Industrial Training Institutes/Centres into centres of excellence.
- (iii) To encourage Public Private Partnerships in the establishment and management of professional and vocational training institutions.
- (iv) To encourage multi-skilling and multi-tasking training programme.
- (v) To promote modular employable skills programme and entrepreneurial development programme.
- (vi) For achieving synergy in planning and coordination of professional and skill development initiatives within a specified timeframe and provide support to such initiatives, the Mission shall look into all Government-led initiatives related to professional/vocational/skill development programme and related activities, such as, the initiatives of Departments of Labour Resources/Science & Technology/Human resource development/Social welfare /Industries/Information Technology/Rural Development /Building construction/Institutional Finance/Agriculture and any other department, as the case may be.
- (vii) To constitute expert groups for skill mapping and assessing the requirement of skilled personnel in various sectors in the national and overseas market.
- (viii) To generate the demand for vocational training courses through appropriate social marketing initiatives.
- (ix) To encourage and empower women and other disadvantaged sections to participate in skill development training.
- (x) Focus on modular courses and short term courses with fast changing skills in labour market.

- (xi) Helping create infrastructures for on-job training and encourage apprenticeship.
- (xii) Restructuring of employment exchanges as career/vocational guidance centres and strengthening of overseas placement initiatives.

8. FUNCTIONS:

In pursuance of the Vision and Objects referred above, the functions of the Society shall be as follows:

(a) To undertake all activities that may be necessary for achievement of the objects referred to at Article 6 above.

(b) To provide guidance and support for efficient planning and implementation, monitoring, evaluation of professional, technical, vocational education and skill development and up gradation in the State of Bihar.

(c) To develop a state of the art planning, monitoring and evaluation system based on the latest innovations and technology.

(d) To promote and facilitate public-private partnerships in the accomplishment of its objects.

(e) To promote and undertake analytical work to continuously improve the planning, implementation, monitoring and evaluation of professional, technical, vocational education and skill development in the State of Bihar.

(f) To create duly empowered administrative mechanisms, through such participation as may be deemed necessary, for the achievement of the objects of the Society.

(g) To establish for the implementation of the schemes/programmes, task forces and other appropriate mechanisms at the State, Divisional, District, Block, Panchayat and Village levels, as the case may be, and to delegate

necessary powers to enable them to discharge their responsibilities.

(h) To secure active involvement and participation of academic and research institutions, training institutes and other institutes working for the professional, technical, vocational education and skill development and to provide technical assistance to them for performing tasks entrusted by it for the achievement of the objects of the Society.

(i) To secure constructive and participatory involvement of different stakeholders for the achievement of the Society's objects and for this purpose to establish, formal as well as informal structures.

(j) To obtain technical resources support by networking with the existing national and State level academic, training and research institutions, or through establishment of new ones.

(k) To advise the State Government in formulation, execution, monitoring and evaluation of suitable measures for professional, technical, vocational education and skill development.

(l) To organize conferences, symposia, workshops etc. for accomplishment of its objects.

(m) To create academic, technical, administrative, managerial and other posts in the Society and to make payments for the same in accordance with its Rules and Regulations.

(n) To make Rules and Regulations for conduct of the affairs of the Society and add or amend, vary or rescind them from time to time.

(o) To incur expenditure after drawing up a budget and in accordance with the Financial Rules of the Society with due regard for economy and probity.

(p) To maintain proper accounts of income and expenditure, arrange for internal and statutory audit of the accounts in time and prepare annual reports and accounts of the Society.

(q) To take all such other actions as may deem necessary or incidental or ancillary or conducive to the achievement of the objects of the Society.

9. PROPERTY AND ASSETS: - The income and property of the Society, howsoever derived, shall be applied towards promotion of the objects thereof as set forth in this Memorandum of Association, subject nevertheless, in respect of the expenditure of funds allocated or grants made by the State Government or Central Government, to such limitations as these Governments may, from time to time, impose. No portion of the income and property of the Society shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise, howsoever by way of profit, to the persons who at any time have been members of the Society or to any of them or to any person claiming through them, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other persons in return for any service rendered to the Society for travelling allowance, halting, or other similar charges.

10. STATE GOVERNMENT'S POWERS:- The State Government may appoint one or more persons to review the work and progress of the Society, and to hold enquiries into the affairs thereof and to report thereon in such manner as the State Government may stipulate; and upon receipt of any such report, the Government may take such action and issue such directions as it may consider necessary in respect of any of the matters dealt with in the report and the Society shall be bound to comply with such directions. In addition, the State Government may, at any time, issue directives on matters of policy to the Society and the latter shall be bound to promptly comply with such directives.

11. DISSOLUTION: - If, on winding up or dissolution of the Society, there shall remain, after the satisfaction of all its debts and liabilities, any assets and property what so ever the same shall not be paid to or distributed among the members of the Society or any of them but shall be dealt with in such manner as the State Government may determine.

12. The names and addresses and occupations of the first members of the Governing Body of the Society to whom, by the rules and regulations of the Society, the management of its affairs is entrusted are given on page

13. A copy of the rules of the Society, certified to be a correct copy by the three members of the Governing Council of the Society is filed along with the Memorandum of Association.

14. We, the several persons whose names and addresses are given on page .., having associated ourselves for the purpose described in this Memorandum of Association and set our several and respective hands here into and form ourselves into a Society under Registration of Societies Act (XXI of 1860) this day ofat Patna.

15. DESIROUS PERSONS: We the undersigned are desirous of forming a Society namely “Bihar State Skill Development Mission” under the Societies Registration Act, 1860 as applicable to the State of Bihar in pursuance of this Memorandum of Association:

S.N	Name	Designation & Address	Signature
1.	Mr. Anup Mukherji	Chief Secretary, Government of Bihar, Patna	
2.	Mr. K.C. Saha	Development Commissioner, Bihar, Patna	
3.	Mr. Ashok Kumar Sinha	Principal Secretary, Agriculture Department, Government of Bihar, Patna	
4.	Mr. Rameshwar Singh	Principal Secretary, Industries Department, Government of Bihar, Patna	
5.	Mr. Girish Shankar	Principal Secretary, Urban Development Department, Government of Bihar, Patna	
6.	Mr. Bhanu Pratap Sharma	Principal Secretary, Finance Department, Government of Bihar, Patna	

7.	Mr. Vyas Ji	Principal Secretary, Labour Resources Department, Government of Bihar, Patna	
8.	Mr Anjani Kumar Singh	Principal Secretary, Department of Human Resources Development , Govt. of Bihar, Patna	
9.	Mr A. Santosh Mathew	Principal Secretary, Department of Rural Development , Government of Bihar, Patna	
10.	Mr Vijai Prakash	Principal Secretary, Planning and Development Department, Government of Bihar, Patna	
11.	Mr C.K.Mishra	Principal Secretary, Health and Family Welfare Department, Government of Bihar, Patna	
12.	Mr Ravi Kant	Principal Secretary, Science and Technology Department, Government of Bihar, Patna	
13.	Mr Arun Kumar Singh	Principal Secretary, Information Technology Department, Government of Bihar, Patna	
14.	Mr Arun Prasad	Director ,Employment & Training, Labour Resources Department, Government of Bihar, Patna	

Signatures of all signatories are hereby attested.

(_____)

(_____)

**Member Secretary
Governing Council**

**Chairman
Governing Council.**

RULES OF THE BIHAR SKILL DEVELOPMENT MISSION

- 1. Short Title:** - These Rules may be called the 'Rules of the Bihar Skill Development Mission'.
- 2. Office:** - The registered office of the Society shall be located in the Department of Labour Resources, Government of Bihar, Vikas Bhawan, Patna, Bihar.
- 3. Scope and application:** - These Rules shall extend to all the units and activities of the Society.
- 4.** These Rules shall come into force from the date on which the Bihar Skill Development Mission is registered under the Societies Registration Act, 1860, as applicable to the State of Bihar.
- 5. Definitions:** - In these Rules, unless the context otherwise requires,
 - (a) '**Central Government**' shall mean Government of India.
 - (b) '**Chairperson**' and '**Vice-Chairperson**' shall mean the Chairperson and Vice-chairperson respectively of the Executive Committee of the Mission.
 - (c) '**Executive Committee**' shall mean the body which is constituted as such under Rule 22 as the Executive Committee of the Mission.
 - (d) '**Mission Director**' shall mean the Mission Director appointed by the Government of Bihar under Rule 20 and shall include the Additional Mission Director, if any.
 - (e) '**Governing Council**' or '**Council**' shall mean the Governing Council of the Mission.
 - (f) '**Government of Bihar**' shall mean the Department of Labour Resources, Government of Bihar.

- (g) **‘Interested Agencies’** shall mean (i) the Central Government;(ii) State Government; (iii) professional institutions (iv) Vocational training institutions; (v) academic and professional experts and bodies;
- (h) **‘Mission’** shall mean the Bihar Skill Development Mission.
- (i) **‘Officers and Staff’** shall mean every whole-time employee of the Mission appointed by the Executive Committee or any authority or officer delegated with the powers to do so, and would include Consultants, Advisors, Fellows and research staff, but would not include Mission Director and Additional Mission Director, if any.
- (j) **‘State Government’** shall mean the State Government of Bihar.
- (k) **‘President’** shall mean the President of the Governing Council of the Mission.
- (l) **‘Vice-President’** shall mean the Vice-President of the Governing Council of the Mission.
- (m) (a) Words imparting the singular number also include the plural number and vice-versa.
- (b) Words imparting the masculine gender also include feminine gender.

GOVERNING COUNCIL

6. The Governing Council of the Mission shall consist of the following members:

S.No.	DESIGNATIONS	POSITION
(i)	Chief Minister ,Bihar	President
(ii)	Minister for Labour Resources Department, Government of Bihar	Vice President

(iii)	Minister for Finance Department, Government of Bihar	Member
(iv)	Minister for Planning and Development Department, Government of Bihar	Member
(v)	Minister for Human Resources Department, Government of Bihar	Member
(vi)	Minister for Science & Technology Department, Government of Bihar	Member
(vii)	Minister for Industries Department, Government of Bihar	Member
(viii)	Minister for Information Technology Department, Government of Bihar	Member
(ix)	Minister for Rural Development Department, Government of Bihar	Member
(x)	Minister for Urban Development Department, Government of Bihar	Member
(xi)	Minister for Agriculture Department, Government of Bihar	Member
(xii)	Minister for Health Department, Government of Bihar	Member
(xiii)	Chief secretary, Bihar	Member
(xiv)	Development Commissioner	Member
(xv)	Principal Secretary, Labour Resource Department	Member Secretary
(xvi)	Principal Secretary, Human Resource Department	Member

(xvii)	Principal Secretary, Finance Department	Member
(xviii)	Principal Secretary, Planning Department	
(xv)	Principal Secretary, Industry Department	Member
(xvi)	Principal Secretary, IT Department	Member
(xvii)	Principal Secretary, Rural Development	Member
(xviii)	Principal secretary Health	Member
(xix)	Principal secretary Science & Technology	
(xx)	Principal secretary urban Development	Member
(xxi)	Principal secretary Social welfare	Member
(xxii)	Principal secretary Panchayati raj	Member
(xxiii)	Director Employment and Training	Member
(xxiv)	Three members representing State level Industry and Commerce bodies	Member
(xxv)	Vice- Chancellor, Patna University	Member
(xxvi)	Vice-Chancellor/Director, Birla Institute of Technology, Mesra, Patna Campus	Member
(xxvii)	Vice-Chancellor, Chanakya Law University, Patna	Member
(xxviii)	Director, Chandragupta Institute of Management, Patna	Member
(xxix)	At least 4 experts drawn from the fields of Economics, Labour and Social Welfare, Information Technology and Engineering	Member
(xxx)	One Representative from State Engineering Colleges	Member
(xxxi)	Chairman/Convener, State Level Bankers Committee	Member
(xxxii)	Mission Director	Member Convenor

7. The term of non-official members nominated by the State Government into the Council shall be of 5 years.

8. Members of the Governing Council shall cease to be such members, if they resign, are of unsound mind, are insolvent or are convicted of a criminal offence involving moral turpitude; or they do not attend three consecutive meetings of the Council without proper leave of the President.

9. Where a member of the Governing Council becomes a member by reason of the office of appointment he holds, his membership of the Council shall terminate when he ceases to hold that office or appointment.

10. A resignation of the membership of the Governing Council shall be tendered to the Mission Director and shall not take effect unless it has been accepted on behalf of the President.

11. **Vacancies:** - Any vacancy in the membership of the Council shall be filled by nomination of the authorities entitled to make nominations, and the persons appointed in the vacancy shall hold office only for the unexpired period of the term of the membership.

12. The Council shall function notwithstanding that any person who is entitled to be a member by reason of his/her office, is not a member of the Council for the time being and notwithstanding any other vacancy in its body, whether by non-appointment or otherwise, and no act of the Council shall be invalidated merely by reason of the happening of any of the above event or any defect in the appointment of any of the members of the Council.

POWER AND FUNCTIONS OF THE COUNCIL

13. The Council shall have the following powers and functions:-

- (a) To review the activities and programmes undertaken by the Mission and to give overall policy guidance and direction for its efficient functioning.
- (b) To consider the balance sheet and audited accounts for the previous year.
- (c) To consider the annual report prepared by the Executive Committee.
- (d) To amend the Rules of the Mission in consultation with the Government of Bihar.
- (e) To perform such other functions as are entrusted to it under these Rules.

14. The meetings of the Council shall be held at such time, date and place as may be determined by the President.

15. Except as otherwise provided in these Rules, all meetings of the Council shall be called, by notice under the signatures of the Director, Employment and Training/Mission Director.

16. If the President is not present at the meeting of the Council the Vice-President will chair the meeting.

17. One-third of the members of the Council present in person shall form a quorum at every meeting of the Council, provided that no quorum shall be necessary in respect of an adjourned meeting.

18. All issues at meetings of the Council shall be decided by consensus.

OFFICERS AND AUTHORITIES OF THE MISSION

19. Officers: - The officers of the Society shall be the Mission Director, Additional Mission Director and such other whole-time employees as may be designated as such by the Executive Committee.

20. The Government of Bihar shall be competent to make the appointments to the posts of Mission Director and Additional Mission Director, if any, and prescribe his/their remuneration and other conditions of service.

21. AUTHORITIES: - The following shall be the authorities of the Mission:

- (i) The President
- (ii) The Vice-President
- (iii) Chairperson
- (iv) Vice-Chairperson
- (v) Executive Committee
- (vi) Mission Director
- (vii) Such other authorities as may be nominated by the Executive Committee.

22. The affairs of the Mission shall be administered, subject to the Rules and Regulation and Orders of the Council, by an Executive Committee, which shall consist of the following:-

- | | |
|---|------------------|
| 1. Development Commissioner, Bihar | Chairperson |
| 2. Principal Secretary /Secretary,
Dept. of Labour Resources | Vice Chairperson |

3. Principal Secretary/Secretary, Dept. of Finance	Member
4. Principal Secretary /Secretary, Dept. of Human Resources	Member
5. Principal Secretary/ Secretary, Dept. of Industry	Member
6. Principal Secretary/ Secretary, Dept. of IT	Member
7. Principal Secretary/ Secretary, Dept. of Urban Development	Member
8. Principal Secretary/ Secretary, Dept. of Science & Technology	Member
9. Principal Secretary/ Secretary, Dept. of Rural Development	Member
10. Principal Secretary/ Secretary, Dept. of Social welfare	Member
11. Director, Employment & Training	Member
12. Director, Technical Education	Member
13. President/General Secretary Bihar Industries Association	Member
14. President/General Secretary CII, Bihar	Member
15. President/General Secretary Bihar Chamber of Commerce	Member
16. At least 4 experts from the fields of Economics, Labour and Social Welfare, Management, Information Technology & Engineering	Member
17. One Principal of ITI	Member
18. Mission Director	Member- Secretary

23. The term of non-official members of the Executive Committee shall be 5 years.

24. Members of the executive committee shall cease to be such members if

(a) They resign, are of unsound mind, are insolvent or are convicted of a criminal offence involving moral turpitude; or

(b) They do not attend three consecutive meetings of the Executive Committee without proper leave of the Chairman.

25. A resignation of membership of the Executive Committee shall be tendered to the Mission Director and shall not take effect until it has been accepted on behalf of Society by the Chairman.

26. Vacancies: Any vacancy in the membership of the Executive Committee shall be filled up by appointment or nominations by the authority entitled to make such appointment or nominations, and the person appointed in that vacancy shall hold office only for the expired period of term of membership.

27. The Executive Committee shall function notwithstanding that any person who is entitled to be member by reason of his office is not a member of the Executives Committee for the time being and notwithstanding any other vacancy in the committee whether on account of non appointment by the authority entitled to make the appointment or otherwise and no act or proceeding of the Executive Committee shall be invalidated merely by reason of the happening of any of the above events or defects in the appointment of any of its members.

PROCEEDINGS OF THE EXECUTIVE COMMITTEE

28. Every meeting of the Executive Committee shall be presided over by the Chairperson and in his absence, by the Vice-Chairperson.

29. One-third of the members of the Executive Committee present in person shall constitute a quorum at any meeting of the Executive Committee, provided that no quorum shall be necessary in respect of an adjourned meeting.

30. Not less than seven clear days' notice of every meeting of the Executive Committee shall be given to each member of the Executive Committee provided that:

- (a) The Chairman may call an emergency meeting at the notice of 3 days, and,
- (b) Any inadvertent omission to give notice of the meeting or its non-receipt by any member shall not invalidate the proceedings of the meeting.

31. Every notice calling a meeting of the Executive Committee shall state the date, time and place at which such meeting will be held and shall, except otherwise, provided in these Rules, be under the signatures of the Member-Secretary.

32. The Executive Committee shall meet as often as necessary but at least once in each quarter of the year.

POWER AND FUNCTION OF THE EXECUTIVE COMMITTEE

32. It shall be the responsibility of the Executive Committee to endeavor to achieve the objects of the Mission and to discharge all its functions. The Executive Committee shall exercise all administrative, financial and academic authority in this behalf; including powers to create posts of all description and make appointments thereon in accordance with the Regulations.

33. The Executive Committee shall have under its control the management of all the affairs and funds of the Mission.

34. The Executive Committee shall have the powers and responsibilities in respect of the following:

(i) To frame regulations with the approval of the Government of Bihar, and

(ii) To frame bye-laws for the conduct of activities of the Mission in furthering its objects.

35. The Executive Committee shall have the power to enter into arrangements with other public or private organizations or individuals for furtherance of its objects.

36. The Executive Committee shall have powers for securing and accepting endowments, grants-in-aid, donations, or gifts to the Mission on mutually agreed terms and conditions, provided that conditions of such grant-in-aid, donations or gifts shall not be inconsistent or in conflict with the objects of the Society or with the provisions of the Rules.

37. The Executive Committee shall have the power to take over and acquire by purchase, gift or otherwise from Government and other public bodies for private individuals, movable and immovable

properties or other funds together with any attendant obligations, and engagements not inconsistent with the objects of the Mission and the provisions of these rules.

38. The Executive Committee shall have powers to undertake or give contract for construction of the building required for use of the Mission and to acquire stores and services required for the discharge of the functions of the Society.

39. Subject to the provision of Article 8 of the Memorandum of Association, the Executive Committee shall have the power to sell or lease any movable or immovable property of the Mission provided, however, that no assets of the Mission created out of Government fund be disposed of, encumbered or utilized for purposes other than those for which the grant was sanctioned.

40. The Executive Committee shall have powers to establish and spell out the membership of standing/ adhoc committees or task forces/groups etc., for various sectors of skill development and decide in regard to their membership, powers and functions.

41. The Executive Committee may by Resolution, appoint Advisory Boards or other special committees for such purpose and with such powers as the Executive Committee may think fit and Executive Committee may also dissolve any of the committees and Advisory Bodies, set up by it.

42. The Executive Committee may delegate, to the Chairperson, Vice-Chairperson, Mission Director, or any of its members and/or to a committee/group or any other officer of the Mission such administrative, financial and academic powers and impose such duties as it deems proper and also prescribe limitations within which the powers and duties are to be exercised or discharged.

Regulations:

43. Subject to any specific directions of the Governing Council and keeping in view the overall advice of the State Government, the Executive Committee shall have powers to frame and amend Regulations, not inconsistent with these Rules, for the administration and management of the affairs of the Mission. Without prejudice to the generality of this provision, such Regulations may provide for the following matters:

- (i) Service matters pertaining to officers including creation of posts, qualifications, selection procedure, service conditions, pay and emoluments, discipline and control rules;
- (ii) Important financial aspects including formulation of budget, purchase procedures, delegation of financial powers, investment of funds, maintenance of accounts and audit, TA and DA rules, etc; and
- (iii) Such other matters as may be necessary for the furtherance of the objects and the proper administration of the affairs of the Mission.

Provided that for the purpose of this Rule, following guidelines would be kept in view while creating the posts and formulating the Service and Financial Regulations;

(a) Emoluments/Scales of pay in respect of the posts to be created by the Executive Committee shall correspond to the Emoluments/Scales of pay of the similarly placed employees in the State Government.

(b) Mode of recruitment in respect of the posts to be created for the Mission shall be either transfer on deputation or short-term contract. For work related specific assignments, persons would be deployed on fixed emoluments/honorarium with provision for revision each year if considered appropriate.

(c) In the management structure, staff which may devolve permanent liability on the State Government shall not be appointed.

(d) Till such time, the Mission formulates its own set of regulations; the decisions taken by the Executive Committee in all such matter will be carried out.

(e) The principle of reservation as laid down by the State Government shall be followed.

(f) Consideration of financial propriety and prudence shall be kept in view.

Bye-laws:

44. Subject to the specific directions of the Governing Council and the provisions in these Rules and Regulations to be framed there under, the Executive Committee shall have powers to frame and amend bye-laws for the conduct of business of the Mission in furtherance of its' objectives. These bye-laws may, inter alia, include matters relating to;

(a) Establishment of Branch Offices.

(b) Conduct of business of Governing Council, Executive Committee, and other Committees and sub-Committees.

(c) Grant-in-aid to Individuals and Voluntary Agencies.

(d) Involvement of individual and contractual arrangements with them.

(e) All aspects of technical resource support.

(g) Such other things as may be necessary for the achievement of the objects of the Mission.

DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE

45. The executive committee shall discharge such duties and responsibilities and exercise such powers and undertake to carry out such activities as are considered essential in general and particular reference to the following :-

- (i) To give overall guidelines for professional courses and skill development modalities in Bihar.
- (ii) Give suggestion on convergence between professional and vocational training programmes and various schemes of the State and Central Government.
- (iii) Suggest replicable and feasible Public-Private Partnership models to augment the coverage of professional and skill development initiatives in the State.
- (iv) Plan and review the progress of professional and skill development initiatives in the State.
- (v) Exercise oversight on the administration and management of the Mission.
- (vi) To enter into agreements with the similar organizations for the furtherance of professional and skill development initiatives in the State.
- (vii) To appoint committee or committees for disposal of any business of the Mission or advice in any matter.
- (viii) To delegate to such extent as it may deem necessary any of its powers to any officers or committee of the Governing council.
- (ix) In the events of any matter not being provided for herein, the Governing Council shall have the power to make regulations and by-laws, as it deems necessary.
- (x) The Executive Committee shall be the sole authority for resolving any doubts, as to the interpretation of these provisions and its ruling shall be final and binding.
- (xi) The Executive Committee shall have powers to appoint financial and other committees/sub committees for carrying out the objective of the mission

46. CHAIRPERSON: - The Development Commissioner, Bihar, shall be ex-officio Chairperson of the Executive Committee. He may delegate all or any of his functions to the Vice-Chairperson. The Chairperson

(i) Shall ensure that the affairs of the Society are run efficiently and in accordance with the provisions of the Memorandum of Association, Rules and Regulations and bye-laws of the Society;

(ii) Shall preside over the meetings of the Executive Committee;

(iii) May himself call, or by a requisition in writing signed by him may require the Member Secretary to call a meeting of the Executive Committee at any time;

(iv) Shall be competent to invite any other person to attend the meeting of the Executive Committee, and

(v) May direct the Member-Secretary to call a special meeting of the Executive Committee at a short notice, in case of emergency.

47. VICE-CHAIRPERSON:- The Secretary/Principal Secretary of the Department of Labour Resources, Government of Bihar, shall be the Vice-Chairperson of the Executive Committee. He shall preside over the Meetings of the Committee in the absence of the chairperson, and shall discharge all or any of the functions of the chairperson as delegated by him. The Vice-Chairperson shall exercise general control and supervision over the Mission Director.

48. FUNCTIONS AND POWERS OF THE MISSION DIRECTOR:-The Executive Director shall be the Chief Executive Officer of the Mission and shall be responsible for proper administration of the affairs and funds of the Mission, and implementation of its' various activities and

programs in a Mission Mode under the directions and guidance of the Chairperson and general control and supervision of the Vice-Chairperson of the Executive Committee. For the effective discharge of his functions he shall have powers to:

- a. Constitute a Mission Task Force, comprising of officers and staff of the Mission, which would work in a Mission Mode for the achievement of the objects of the Society.
- b. Prescribe the duties of officers and staff of the Mission;
- c. Exercise due supervision and control over the officers and staff of the Mission.
- d. Coordinate and exercise general control and supervision over the activities of the Mission.
- e. Conduct meetings of the General Council and Executive Committee and keep a record of proceedings of the meetings in accordance with these Rules,
- f. Exercise such financial powers as delegated by the Executive Committee from time to time, and
- g. Discharge such other functions as may be assigned to him by the Executive Committee in furtherance of the objects of the Mission.
- h. Plan, direct, coordinate, organize and supervise day to day work of the Mission.

49. MANAGEMENT STRUCTURE BELOW STATE LEVEL:-The Executive Committee may decide to have offices at the levels below the State headquarters and decide its' management structure, powers and functions.

50. FUNDS OF THE SOCIETY

- a. The Mission will receive allocations /Grants-in-aid made by the Central Government and the State Government for furtherance of its objects and functions.
- b. Revenue generation through possible programmes and by providing services that is oriented towards commercialization.
- c. A Bihar Skill Developments Fund may be set up with allocations/contributions made by corporate, placement agencies, Governments, individuals and institutions. This fund may be utilized for furthering the objectives of the Mission.
- d. Revenue generation through providing technical consultancy to private sector.
- e. Income from the assets of the Society.
- f. Grants, donations or assistance of any kind from external agencies, with prior approval of the State Government
- g. Receipts from any other source not mentioned above

51. All financial and business transaction of the Mission shall be carried on in the name of the Mission and to be dealt with in the following manner or in such other manner as may be prescribed from time to time by the Executive Committee and Council:

(i) The Mission Director shall have such financial powers as delegated by Executive Committee from time to time.

(ii) All donations, subscriptions, contributions and other moneys received on behalf of the Mission either by the President, Chairperson, Mission Director or other Authorities/Officers or by any of the offices of the Mission, shall, after providing for the running day to day expenditure and recouping the imprest, be kept in a bank, provided

that in exceptional cases, the Mission Director or any authorized officer may order the retention of any money in safe chest for immediate disbursements, or for payment to be made within a week of the date of receipt of the moneys.

(iii) Money received by the Mission shall be duly acknowledged by issuing Mission printed receipts.

(iv) The bank account of the Mission shall be opened in a scheduled bank. All funds shall be paid into Mission account with the appointed bank and shall not be withdrawn except through a cheque, bill note, other negotiable instrument or through electronic banking procedure signed /electronically authorized by such Authorities/Officers of the Mission as may be determined by the Executive Committee. However, the Executive Committee may authorize defraying of petty expenses and payment of petty amounts by cash.

52. The bankers of the Mission shall be decided by the Executive Committee.

53. ACCOUNTS AND AUDIT

(i) The Mission shall maintain proper accounts and other relevant records and prepare annual statement of accounts comprising of the Receipts and Payment Account, statement of assets and liabilities in such form as may be prescribed by the Registrar of Societies of the State Government in keeping with the Rules in force under the Societies Registration Act 1860 subject to the condition that in respect

of grants from the Central Government directions of the Central Government shall be adhered to.

(ii) The statutory audit of the annual statement of accounts of the Mission shall be carried out annually by a Chartered Accountant, appointed by the Executive Committee, in accordance with the provisions of the Societies Registration Act. 1860.

(iii) The audited accounts shall be finalized by the Executive Committee and approved by the Governing Council. A copy of approved Audit Report along with the observations of the Auditors would be submitted to the State Government.

(iv) The accounts of the Mission shall also be subject to the provisions of the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act, 1971 as amended from time to time.

54. ANNUAL REPORT: - The Annual Report on the working of the Mission and the work undertaken by it during the year together with Balance Sheet and Audited Accounts shall be prepared by the Executive Committee for information of the State Government. A draft of the Annual Report along with the audited accounts and the Auditor's report thereon shall be placed before the Governing Council in its Annual General Meeting for approval and would be submitted to the State Government after obtaining the approval of the Governing Council.

55. AMENDMENTS

(i) With the approval of the State Government, the Governing Council may alter, extend or abridge the purpose for which it is

established, or amalgamate the Mission either wholly or partly with any other society in accordance with the provisions of the Societies Registration Act, 1860, as applicable to the State of Bihar.

(ii) As and when there is any change in the nomenclature of Ministries, Departments, or institutions(s) and designation(s) mentioned in the Rules, such changes shall automatically stand incorporated in these Rules.

(iii) If the Mission needs to be dissolved, it shall be dissolved as per provisions laid down under Sections 13 and 14 of the Societies Registration Act, 1860 as applicable to the State of Bihar.

(iv) If, on the winding up or dissolution of the Mission, there shall remain, after the satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid to, or distributed amongst the members of the Mission or anyone of them but shall accrue to the State Government which will decide about its utilization or otherwise.

56. MISCELLANEOUS:- Once in every year a list of members of the Governing Council shall be filed with the Registrar of Societies as required under section 4 of the Societies Registration Act, 1860.

57. REMOVAL OF DIFFICULTIES:-If any difficulty arises in the interpretation or implementation of any provision of these Rules, it shall be referred to the State Government for decision and decision of the State Government in such matters shall be final.

58. RIGHT TO INFORMATION:- Consistent with the spirit of the Right To Information Act, the Annual Report and Audited Accounts of the Mission, Minutes of the meetings of the Governing Council, Executive committee as well as notices for employment and award of contracts and consultancies by the Mission will mandatorily be displayed on the web site of the Mission.

59. POWER OF THE STATE GOVERNMENT: - Notwithstanding anything contained in any of these rules, in the discharge of its functions the Mission shall be guided by such directions on questions of policy and proprietary, as may be given to it by the State Government. The decision of the State Government as to whether a question is or is not a matter of policy, shall be final and binding on the Mission. However, such directions shall be in writing.

60. The Registrar of the Societies shall have the right to inspect the Mission and suggestions, if any, made by him shall be complied with.

(_____)

(_____)

**Member Secretary
Governing Council**

**Member
Governing Council**

**Vice President
Governing Council.**