



बिहार फाउन्डेशन  
**Bihar Foundation**

*(As amended up to 31<sup>st</sup> March, 2018)*

**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. Vijayaraghvan	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.*

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	„

*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*

Sd/-  
**(Mahesh Prasad)**  
(Director, Technical Dev., Deptt. of Industries)

Sd/-  
**(Chanchal Kumar)**  
(Special Secretary, C. M. Secretariat)

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# **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-
- dies or
  - resigns from his membership or
  - becomes of unsound mind or
  - becomes of insolvent or
  - is convicted of a criminal offence involving moral turpitude or
  - 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:

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	Minister of the State nominated by Government.	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, Industries/State Minister, Industries Deptt , 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. Vijayaraghvan	Industrial Dev. Commissioner, Bihar, Patna	Vikas Bhawan, Patna	Member
10	Sri Navin Kumar	Finance Commissioner, Bihar, Patna	Old Secretariat ,Patna	Member
11		Chief Executive Officer, Bihar Foundation, Patna	6 <sup>th</sup> Floor, Indira Bhawan R.C.S. Path, Patna-1	Member
12		Principal Secretary/Secretary, Tourism, Bihar, Patna	Old Secretariat ,Patna	Member
13		Principal Secretary/Secretary Art, Cultural & Youth, Bihar, Patna	Vikas Bhawan, Patna	Member

- (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.
- 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.
  - 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) Minister of the state nominated by Government.   | Chairman         |
| (ii) Minister, Industries/State Minister, Industries Deptt.  | Member           |
| (iii) 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           |
| (viii) Chief Executive Officer, Bihar Foundation, Patna  | Member           |
| (ix) Principal Secretary/Secretary, Tourism Deptt.   | Member           |
| (x) Principal Secretary/Secretary, Art, Culture & Youth Deptt.   | 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 Minister of the State nominated by Government of Bihar.
- (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,

## **25. CHAPTERS OF BIHAR FOUNDATION**

Each chapter of Bihar Foundation (either in India or abroad) will function as independent statutory unit. Bihar Foundation shall only do the affiliation/disaffiliation of the chapter. This chapter can even be a group of Non Resident Biharis who agree and are willing to fulfill the objectives of Bihar Foundation.

