

Bihar Institute of Correctional AdministrationMEMORANDUM OF ASSOCIATION**1. Name of the Society**

The name of the Society will be "Bihar Institute of Correctional Administration" (hereinafter referred to as BICA)

2. Location and Registered Office of the Society

The registered office of the Society shall be at BICA Campus. Near District Jail, Hajipur, District- Vaishali in the State of Bihar.

3. Objective of the Society:

The objects for which the Society is formed are to provide for and promote study in the field of Correctional Administration and with purpose;

- a) To undertake and assist in the organisation of training and study-courses, conference, seminars and lectures, incorporating latest methodologies of training and instructions including distance learning methodologies in the field of Correctional Administration and allied subjects to all officers and personnel who are related with the field.
- b) To promote application of science and technology in the field of correctional training.
- c) To undertake and provide for the publication of journal, research papers or books to impart training in and promote study of Correctional Administration.
- d) To undertake, aid, promote and coordinate training, research and action research through its own or other agencies including non-governmental organisations, universities and other academic institutions and training centres including those established by with the aid of the Government of India or any State Government including Government of Bihar.
- e) To establish and maintain Libraries and information services to facilitate the study of Correctional Administration and spreading information in regard there of.
- f) To Collaborate with other institutes, Associations and Societies in India and in the State of Bihar, in particular and abroad for the purpose of helping the cause of Correctional Administration.
- g) To invest and deal with funds and money of the Society.
- h) To construct, maintain, alter, improve or develop any buildings or works necessary or convenient for the purpose of the society.
- i) To undertake and accept the management of any endowment or trust fund or donation.
- j) To do all such other lawful things as are conducive or incidental to the attainment of the above objects

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4. Pursuant to the aforesaid objects, the Society may:

- a) Accept grants of money, securities or property of any kind and undertake and accept the management of any endowment, trust, fund or donation not inconsistent with the objects of the Society, on such terms as may be prescribed by the Government of Bihar from time to time;
- b) Invest and deal with fund and monies of the Society;
- c) Impose and recover fees and charges for the services rendered by it;
- d) Purchase, hire, take on lease, exchange to otherwise acquire a 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 works, as may be necessary for carrying out the objects of the Society.
- e) Sell, hire, lease, exchange or otherwise transfer or dispose of all or any property, movable or immovable, of the society, provided that for the transfer of immovable property prior approval in writing of the Government of Bihar will be obtained.
- f) Borrow and raise monies on mortgages, promissory notes or other securities founded or based upon all or any of the properties and assets of the Society or without any securities, provided that prior approval in writing of the Government of Bihar will be obtained in that behalf;
- g) Draw, accept, make endorse, discount and deposit government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;
- h) Create Reserve Fund, Sinking fund, Insurance Fund or any other special fund whether for depreciation, repairs improvement, 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;
- i) Create administrative, technical, ministerial and other posts in Society, and make appointments thereto in accordance with the Rules and Regulations of the Society.
- j) Make rules and bye-laws for the conduct of the affairs of the society and add to, amend vary or rescind them from time to time;
- k) Do all such other acts or things either alone or in conjunction with other organisations or persons as the Society may consider necessary incidental or conducive to the attainment of the above objects.

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5. The name, occupations, and addresses of the first members of the General Council (Governing Body) to whom, by the rules of the Society the management of its affairs is entrusted, are as follows:-

Sl. No.	Name	Occupation	Address	Designation
1	2	3	4	5
1	Shri Anjani Kumar Singh	I.A.S	Chief Secretary, Main Secretariat, Patna-800015	Chairman
2	Smt. Sujata Chaturvedi	I.A.S	Principal Secretary, Finance Department, Main Secretariat, Patna-800015	Member
3	Shri Amir Subhani	I.A.S	Principal Secretary, Home Department, Main Secretariat, Patna-800015	Member
4	Shri Amir Subhani	I.A.S	Principal Secretary, General Administration Department, Main Secretariat, Patna-800015	Member
5	Shri Surendra Prasad Sharma	Bihar Judicial Service	Law Secretary, Law Department Main Secretariat, Patna-800015	Member
6	Shri K. S. Dwivedi	IPS	Director General, Training, Police Headquarter, Main Secretariat, Patna-800015	Member
7	Shri Anand Kishor	I.A.S	Inspector General, Prisons & Correctional Services, Bihar, Main Secretariat, Patna-800015	Member
8	Shri B.C.P Singh	Bihar Jails	Director, Bihar Institute of Correctional Administration	Member-Secretary

6. The income and property of the Society howsoever derived, shall be applied towards the promotion of the objects as set forth in this Memorandum of Association subject, nevertheless, in respect of expenditure of grants made by the Government of India and the State Governments to such direction as the Government of India or such State Government may give from time to time. 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 persons who at any time are or have been members of the society, or to any of them or to any persons claiming through them or any them, provided that nothing herein shall prevent the payment in good faith or remuneration to any member or other person in return for service rendered to the Society or for traveling allowance, halting allowance and other similar charges.

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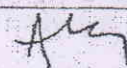
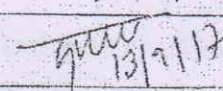
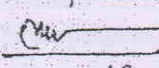



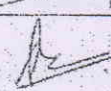

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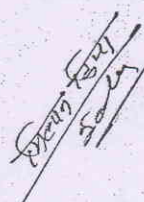
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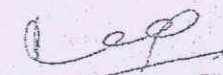
7. If on the winding up or dissolution of the Society, there shall remain after the satisfaction of its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the Society or any of them, but shall be dealt with in the manner provided by section 44 & 14A of the Society Registration Act of 1860 (Act No. 21 of 1860)
8. A copy of the Rules and Regulations of the Society certified to be correct by three members of the General Council (Governing Body) is filed with the Registrar of Society, Bihar, Patna along with the Memorandum of Association.

We, the several members whose name and addresses are given below, having associated ourselves for the purpose prescribed in this Memorandum of Association, do hereby subscribe our names to this memorandum of Association and set our several and respective hands here unto and form ourselves into a Society under the Societies Registration Act of 1860 (Act no. 21 of 1860) thisday ofat Patna.

Sl. No.	Name, Address and Occupation of Members	Signature of Members
1	Shri Anjani Kumar Singh, IAS, Chief Secretary, Govt. of Bihar, Patna-15	
2	Smt. Sujata Chaturvedi, IAS, Principal Secretary, Finance Department, Govt. of Bihar, Patna-15	 13/9/17
3	Shri Amir Subhani, IAS, Principal Secretary, Home Department, Govt. of Bihar, Patna-15	 13.9.17
4	Shri Amir Subhani, IAS, Principal Secretary, General Administration Department, Govt. of Bihar, Patna.	 13.9.17
5	Shri Surendra Prasad Sharma, Law Secretary, Law Department, Govt. of Bihar, Patna-15	
6	Shri K. S. Dwivedi, IPS, Director General, Training, Police Computer Bhawan, Baily Road, Patna-23	 13/9
7	Shri Anand Kishor, IAS, Inspector General, Prisons & Correctional Services, Govt. of Bihar, Patna-15	
8	Director, Bihar Institute of Correctional Administration	

Above persons are made their signature in my presence. I know the every persons.


Registrar


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Bye Laws of
Bihar Institute of Correctional Administration (BICA)

1. Title

- 1.1. These Rules and Regulations shall be called the "Bye-Laws of Bihar Institute of Correctional Administration Society (BICA Society)".

2. Status of the BICA Society

- 2.1. The BICA Society shall be a juristic person, shall have perpetual succession & seal and can sue or be sued in its own name through its Member Secretary.

3. General Scope and Application

- 3.1. These bye-laws shall extend to all the units and activities of BICA Society.
- 3.2. These bye-laws shall come into force from the date on which the BICA Society is registered under the Societies Registration Act, 1860.
- 3.3. Subject to the control and direction of General Council and Executive Council The Inspector General, Prisons & Correctional Services shall have power in respect of Appointment, change & removal of members as also in formation of Committees and Sub-Committees under the bye-laws mentioned hereinafter.
- 3.4. The activities and accounts of the BICA Society shall always be open for verification by the Prisons & Correctional Services.
- 3.5. Subject to the control and direction of General Council and Executive Council, the Inspector General, Prisons & Correctional Services shall have the power to issue such directions/instructions as may be deemed necessary in proper functioning of the BICA Society.

4. Definitions - In these Rules, unless the context otherwise requires

- 4.1. "Act" means the Societies Registration Act, 1860.
- 4.2. "BICA Society" means the Bihar Institute of Correctional Administration Society registered under the Societies Registration Act, 1860.
- 4.3. "Inspector General, Prisons & Correctional Services" means the Inspector General, Prisons & Correctional Services appointed under Section 5 of The Prison Act, 1894. The term also means and includes any officer of the State Government authorized to exercise the powers of the Inspector General, Prisons & Correctional Services.
- 4.4. "The Institute" means the "Bihar Institute of Correctional Administration Society" or BICA Society, in abbreviated form.
- 4.5. "The General Council" Means the General Council of the Institute as referred to in rules 5, 6, 9 and 10.
- 4.6. "The Executive Council" means the Executive Council of the Institute as referred to in Rules 11 and 12.
- 4.7. "The Chairman" means the Chairman of the General Council.
- 4.8. "Rule" means any of the Rules and Regulations of the Institute.
- 4.9. "Year" means a period of twelve months beginning from 1st April and ending on 31st March of next calendar year.

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5. General Council

5.1. The General Council of BICA Society shall be the governing body of the Institute as defined in section 14 of Societies registration Act, 1860. It shall consist of the following:

(i)	Chief Secretary	-	Chairman
(ii)	Principal Secretary, Finance Department	-	Member
(iii)	Principal Secretary/Secretary Home Department	-	Member
(iv)	Principal Secretary/Secretary General Administration Department	-	Member
(v)	Law Secretary	-	Member
(vi)	Director General, Training Police Headquarter	-	Member
(vii)	Inspector General, Prisons & Correctional Services	-	Member
(viii)	Director, Bihar Institute of Correctional Administration	-	Member-Secretary

6. Enrolment of the member of the General Council

6.1. The Institute shall keep a Roll of Members giving their occupations and addresses and every member shall sign the same. If a member changes his address, She/he shall notify his/her new address to the **Member-Secretary**, who shall there upon cause her/his new address to be entered in the roll of Members. If the member fails to notify his/her new address, the address given in the Roll of members shall be deemed to be his address.

7. Terms of Office

- 7.1. The nomination of members entered under Rule 5 shall be valid till fresh nomination.
- 7.2. A member of the Institute shall cease to be a member if he
 - 7.2.1. Becomes insolvent; or
 - 7.2.2. Is declared of unsound mind by a competent authority; or
 - 7.2.3. Is convicted of a criminal offence involving moral turpitude; or
 - 7.2.4. Dies, or permanently leaves India; or
 - 7.2.5. Tenders his resignation in writing to the BICA Society or achieves superannuation from his services; or
 - 7.2.6. Is declared insane by a competent authority; or
 - 7.2.7. Resolution of majority of members of the Management Committee.

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8. Director of the Institute

- 8.1. The Director shall be appointed by the Government of Bihar as per its Rules of Executive Business.

9. The General Council

- 9.1. The annual general meeting of the General Council shall be held at such date, time and place as may be determined by the Chairman.
- 9.2. The Chairman may convene a special meeting of the General Council whenever he thinks fit, and shall also do so on the written requisition of not less than one third of the members of the General Council.
- 9.3. Every notice calling a meeting of the General Council shall state the date, time and place at which such meeting will be held and shall be served upon every member of the General Council not less than five working days before the day appointed for the meeting. However in emergent/extra ordinary/exceptional cases, such meeting can be convened at shorter notice.
- 9.4. The Chairman shall have power to take any decision in anticipation of approval of General Council which shall be placed in the next meeting of General Council for approval.
- 9.5. Meeting of General council shall be held at least once every year.
- 9.6. The accidental omission to give notice to or the non-receipt of notice by, a member shall not invalidate the proceeding of the meeting.
- 9.7. Four members of the General Council present shall form the quorum. No quorum shall be required for an adjourned meeting.
- 9.8. All decisions shall be taken by the majority votes.
- 9.9. Each member of the General Council shall have one vote.
- 9.10. The presiding officer shall, in addition, have a casting vote in case of tie.
- 9.11. The Chairman may invite any person other than a member, to attend a meeting of the General Council as a special invitee. Such invitee shall not, however, be entitled to vote at the meeting.
- 9.12. The General Council shall, perform its functions, notwithstanding any vacancy therein and notwithstanding any defect in appointment, or nomination of any member and no act or proceedings of the General Council shall be invalidated or nullified merely by reason of the existence of any vacancy therein or any defect in the appointment or nomination or any member.
- 9.13. The Director shall cause the proceedings / minutes of the meetings of the General Council to be maintained.

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10. **Functions and Powers of General Council :-**

The General Council shall have the following powers and functions, namely to:-

- 10.1. Observe the provisions of the Memorandum of Association, these Rules and such instructions of the Government of Bihar, which are not inconsistent with Memorandum of Association and rules and Regulations of the Institute.
- 10.2. Exercise general control and issue such direction for the efficient management and administration of the affairs of the institute, as may be necessary.
- 10.3. Approve the annual budget of the Institute.
- 10.4. Consider the Annual Report and audited Annual Accounts of the Institute for the immediately preceding financial year along with the Audit Certificate, the Audit Report, and replies of the institute to the observations contained in the Audit Report.
- 10.5. Frame bye-laws not inconsistent with these Rules and the Memorandum of Association, with the approval of state government, for the management, administration and regulation of the business and finance, including appointment and service conditions of the personnel, of the Institute for the furtherance of its objectives make amendments to such bye-laws from time to time.
- 10.6. Constitute such standing committees as required, with or without the power to co-opt, for disposal of any business of the Institute or for advice on any matter pertaining to the Institute.
- 10.7. Perform such other functions as are entrusted to it under these Rules or Societies Registration Act, 1860 (Act no. 25 of 1860) of Bihar Society Registration Rules, 1965.
- 10.8. General Council shall have power to create posts on regular or contractual basis and to decide about its qualification / eligibility criteria.
- 10.9. General Council shall have power to decide about delegation of financial powers to General Council, Executive Council and Director.
- 10.10. General Council shall have power to make changes in the bye- laws of BICA society.

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Secretary BICA

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11. The Executive Council :-

11.1. There shall be an Executive Council of the Institute consisting of the following:-

- (a) Principal Secretary/ Secretary, Home Department, Bihar - Chairman
- (b) Inspector General, Prisons and Correctional Services, Bihar - Member
- (c) Additional Secretary/Joint Secretary cum Director Administration Prisons and Correctional Services, Bihar - Member
- (d) Deputy Inspector General (Correctional Services) Prisons and Correctional Services, Bihar - Member
- (e) Internal Financial Advisor(IFA) of Home Department - Member
- (f) Director, BICA - Member-Secretary

- 11.2. The Executive Council shall perform its functions, notwithstanding any vacancy therein and notwithstanding any defect in the appointment or nomination of any member and no act or proceeding of the Executive Council shall be invalidated or nullified by reason only of the existence of any vacancy therein or of any defect in the appointment or nomination of any member.
- 11.3. Every meeting of the Executive Council shall be presided over by its Chairman.
- 11.4. Three members of the Executive Council present shall constitute the quorum.
- 11.5. For every meeting of the Executive Council not less than five clear days' notice shall be given to each member, provided that the Chairman in special circumstances may call a meeting at a shorter notice.
- 11.6. Meeting of Executive council shall be generally held every three months.
- 11.7. Each member of the Executive Council, including the Chairman thereof shall have one vote. But Chairman shall have a casting vote also in case of tie.
- 11.8. The Chairman of the Executive Council may invite any person, other than a member to attend a meeting of the Executive Council as special invitee. Such invitee shall not, however, be entitled to vote at the meeting.
- 11.9. Any business which may be necessary for the Executive Council to perform may be carried out by circulation of papers among all its members and any resolution so circulated and approved by a majority of the members signing shall be as effective and binding as if the resolution had been passed at the meeting of the Executive Council provided that at least two have recorded their views on the resolution.

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12. Functions and Powers of the Executive Council :-

- 12.1. Subject to the general control and direction of the General Council, the Executive Council shall be responsible for the management and administration of the affairs of the Institute in accordance with these rules and the bye-laws made thereunder for the furtherance of its objects and shall have all administrative and financial powers which may be necessary or expedient for the purpose.
- 12.2. Without prejudice to the generality of the foregoing sub-rule, the Executive Council shall have the following powers and functions namely to:
 - 12.2.1. Prepare and execute detailed plans and Programmes for the furtherance of the objects of the BICA;
 - 12.2.2. To make with State Government's approval, appointment on sanctioned posts of BICA and for such posts as decided by General Council and control such staff other than those for whose appointment specific provision has been made elsewhere, as may be required for the efficient management of the affairs of BICA and to fix and regulate the terms and conditions of their service;
 - 12.2.3. Receive, have custody of, and deal with the funds and money of BICA.
 - 12.2.4. Purchase, hire, take on lease, exchange or otherwise acquire a property movable or immovable or sell, hire, lease, exchange or otherwise transfer or dispose of all or any property, movable or immovable, of BICA provided that for the transfer of immovable property the prior approval of the Government of Bihar is obtained in that behalf.
 - 12.2.5. Execute/contracts, collaboration agreements, general special instruments, service agreement, agreements containing arbitration clauses, indemnity bonds, deeds in respect of or connected with sale/lease/licence, mortgage, hypothecation or other deeds of a legal character of whatever description, Powers of Attorney, enforce any other legal rights and incur legal expenses, provided that these powers are exercised for and on behalf of BICA.
 - 12.2.6. Sue and defend all legal, proceeding on behalf of BICA.
 - 12.2.7. Appoint committees, with or without the power to co-opt, for disposal of any business of the Institute or for advice in many pertaining to the Institute, provided that in exceptional cases/emergency, the Chairman of the Executive Council shall have the power to appoint such committees;
 - 12.2.8. Accept the management of any endowment trust, fund, subscription or donation, provided that it is not attended by any condition inconsistent, or in conflict, with the objects of BICA;
 - 12.2.9. Advise the General Council on all matters connected with the budget of BICA;
 - 12.2.10. Incur expenditure subject to the provisions of the approved budget provided that where, in the opinion of the Chairman, an immediate decision on any matter is essential, he may, within the ambit of operational necessity and efficiency or to meet an emergency authorise the incurring of expenditure not covered by the provisions of the budget provided that a report would be made to the General Council at its next meeting and its ex-postfacto approval obtained, wherever necessary.

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12.2.11. Every notice calling a meeting of the Executive Council shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Executive Council not less than five working days before the day appointed for the meeting. However in emergent/extra ordinary/exceptional cases, such meeting can be convened at shorter notice.

12.2.12. To lay down terms and conditions governing scholarships, fellowships, grants-in-aid, research schemes and projects.

12.2.13. The Executive Council may by resolution delegate to its Chairman or to any Standing Committee or Committee or to any other Officer of the Institute, such of its powers for the conduct of business as it may deem fit.

12.2.14. The Chairman of EC shall have power to take any decision in anticipation of approval of Executive Council which shall be placed in the next meeting of Executive Council for approval.

13. Standing Committees :-

13.1. The General Council is authorised to form any Standing Committee for any specific purpose.

14. Powers and Functions of the Director :-

14.1. The Director shall be the Principal Executive Officer of BICA and shall be responsible for administration of the affairs of BICA and shall exercise powers under the direction and guidance of the Executive Council and the General Council.

14.2. It shall be the duty of the Director to coordinate and exercise general supervision over all the staff and officers and activities of BICA.

14.3. Subject to the provisions of sub-clause (1) above, the Director shall have full powers to institute, conduct, intervene, defend, abandon or compound any suit, appeal, review, revision, writ petition or other proceedings by or against BICA or its employees or otherwise concerning the affairs of BICA in any court and/or quasi-judicial authorities, to refer any claims or demands by or against BICA to arbitration and observe and perform the awards, to sign and verify complaints, written statements, execution and other petitions, applications, affidavits, objections, memorandum of appeal or other pleadings to be filed before any judicial or quasi-judicial authorities or arbitrators to enforce judgment, execute any decree or order of any judicial quasi-judicial authorities or to satisfy the same and/or to realise or withdraw money from any court, persons or other authorities in execution of such decree or order and to sign vakalatnamas, all financial powers as delegated by the Executive Council.

14.4. Subject to the provisions of sub-clause (1) above, the Director shall be competent to execute contracts, collaboration agreements(s), general/special instruments, service agreements/agreements containing arbitration clauses, indemnity bonds and deeds in respect of/connected with sale/lease, licence, mortgage, hypothecation, pledge, or other deed(s) of a legal character of whatever description, power(s) of attorney to enforce guarantee(s) or any other legal rights, incur legal expenses and to act as agent of the institute for any purpose whatsoever relating to the affairs of the Institute.

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14.5. The Director shall be competent to sub-delegate any of the powers conferred upon him to a Joint/Deputy Director or to such other officers working under him as may be considered necessary, consistent with the need for proper, effective and efficient discharge of responsibilities entrusted to such Joint/Deputy Director/officers.

15. **Alteration or Extension of the Objectives of the Institute :-**

15.1. Subject to the relevant provisions of the Societies Registration Act of 1860, the General Council may, with prior approval of the Government of Bihar, alter, extend or abridge any objective or objectives for which the Institute is established.

16. **Substitution of Certain Nomenclatures:-**

16.1. As and when there is any change in the nomenclature of the Ministry/Ministries, Department(s), Institution(s) and Designation(s) mentioned in these Rules, such changes(s) shall automatically stand incorporated in the concerned Rules.


17. **Dissolution/Merger of the Institute:-**

17.1. Subject to the provision of the Societies Registration Act, 1860, the decision to dissolve the Institute or merge it into any other society or body, can be taken by the General Council with previous approval of the Government of Bihar.


17.2. Subject to provisions of the Societies Registration Act, 1860, the property of the Institute shall be disposed off in a manner determined by the Government of Bihar upon such dissolution or merger.

Certified that this is a true and correct copy of the Rule and Regulations of the Society.


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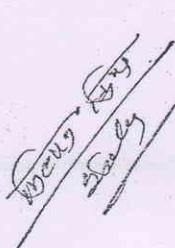

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Amir Subhani, IAS, Principal Secretary, Home
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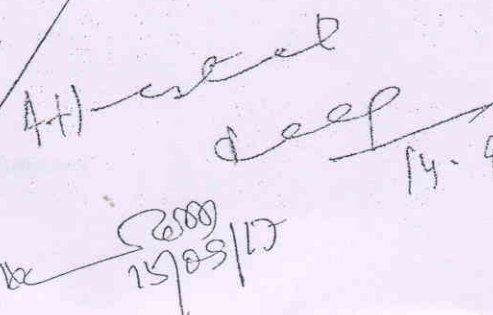
(Member of General Council)


Anand Kishor, IAS, Inspector General,
Prisons & Correctional Services, Govt. of Bihar,
Patna-15

(Member of General Council)


B.C.P. Singh, Director, Bihar Institute of
Correctional Administration, Hajipur


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