



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

(NO. PATNA 1143) 6 PAUSH 1929 (S)
PATNA, THURSDAY, 27TH DECEMBER, 2007

DEPARTMENT OF INDUSTRIES

NOTIFICATION

The 24th December, 2007

SCHEDULE-I

No. 5SPunergathan (BIADA)-01/07-6293—In exercise of powers conferred under section 15 read with section 5 of BIADA (Bihar Industrial Area Development Authority) Act 1974, the authority with approval of the State Government of Bihar, is pleased to make the following regulation to carry out the purposes of the said act.

THE BIHAR INDUSTRIAL AREA DEVELOPMENT AUTHORITY (FINANCIAL , SERVICE AND TECHNICAL) REGULATIONS, 2007.

CHAPTER-I

1.1. *Short title and commencement.*—These Regulations may be called Bihar Industrial Area Development Authority FINANCIAL AND SERVICE REGULATIONS, 2007 hereinafter called BIADA. It shall come into force from the date of publication of Government Resolution in the Official Gazette.

1.2. *Application.*—These Regulations shall apply to all the employees of BIADA as also the employees on deputation (except otherwise provided) to BIADA to the extent that they are not in contravention of the terms and conditions of their deputation/contract to BIADA provided, however that the Authority may, by resolution duly passed for reasons of exigencies and in the interest of BIADA, exclude any class of employee or post from application of these Regulations.

1.3. *Definitions.*—In these regulations, unless there is anything repugnant in the subject or context:

1.3.1. Act means the Bihar Industrial Area Development Act, 1974.

1.3.2. Appointing Authority shall be the Managing Director for all categories of posts.

1.3.3 Bank Means a scheduled nationalized or commercial bank in which the funds of the BIADA may be kept in Savings/ fixed deposit account.

1.3.4 Controlling authority in relation to all the posts in category A, B and C shall be the Managing Director.

1.3.5 Emoluments means the emoluments as provided in schedule and as admissible on the relevant dates and may include allowances as specified in the Regulations.

1.3.6 Employee means any person serving the BIADA on any post, on contract or otherwise, and includes those on deputation to BIADA.

1.3.7 Employee on Deputation means an employee of any department of the State /Central Govt. or their agencies/authority whose services are obtained by the BIADA on deputation.

1.3.8 Government means Government of Bihar.

1.3.9 In house Consultants are the Consultants as indicated in Regulation 15 of the Technical Regulations of the BIADA.

1.3.10 PPP means Public Private Partnership Project based on a contract or a concession agreement, between a government or a statutory entity on the one side and a private sector company on the other side, for delivering an infrastructure service on payment of user charges.

1.3.11 Private Sector Company means a company in which 51% or more of the subscribed and paid up equity is owned and controlled by a private entity.

1.3.12 Regulations mean the Regulations framed by the Board Of Directors from time to time for effective functioning of BIADA

1.3.13 Selection Committee in respect of post means committee of that name indicated in the Regulations.

1.4 Committees:- The following shall be the Committees under the Regulations:-

- (a) Project Clearance Committee
- (b) Selection Committee
- (c) Internal Purchase Committee
- (d) Technical Committee

1.4.1 Project Clearance Committee (PCC) comprise of

- (i) Managing Director, BIADA

- (ii) All Executive Directors
- (iii) Director, Industries or his representative
- (iv) Joint Secretary, Finance Department, Govt. of Bihar
- (v) Chairman, Bihar Pollution Control Board or his representative
- (vi) Consultants(s) of the BIADA- to be nominated by the M.D.
- (vii) Head, CII, Patna or his representative
- (viii) Representative of BIA.

1.4.2 Powers and Function of Project Clearance Committee-

(i) The Project Clearance Committee (PCC) shall consider the projects and other expenditure proposals as appearing in Sec.4.1

(ii) All proposals will be submitted to the concerned authority having delegated powers provided for final approval. In case the designated authority does not agree with the recommendations of the PAC, she/he shall record the reasons for such disagreement.

1.4.3 Selection Committee formed for the purposes of recruitment and selection for the Category A posts in BIADA shall comprise of

- (i) Managing Director
- (ii) Director Industries
- (iii) In charge Administration, BIADA
- (iv) A representative of SC/ST from the BIADA or the Department of Industries
- (v) In house Consultant(s) of the BIADA- to be nominated by MD.

The selections made in Category A shall be put up before the Board for approval. For Category B and C posts, the MD shall be competent to make recruitment.

1.4.4 Internal Purchase Committee- MD shall have the powers to constitute this committee. The IPC shall have powers to consider and approve proposals from Rs. 1 Lakh to Rs. 10 Lakhs.

1.4.5 Technical Committee- MD shall constitute this Committee.

Chapter 11

FUND FLOW ARRANGEMENT

2.1 Funds of the Authority

The funds of the Authority shall consist of the following.

- (i) Grants received from the Government of India
- (ii) Grants-in-Aid from the State Government.

- (iii). Funds by the Govt Departments for carrying out specific projects under Plan and Non plan heads.
- (iv). Grants and donations from trade, industry, institutions and individuals.
- (v). Receipts from disposal of assets.
- (vi). Receipts from User charges, concession/consultancy fee etc
- (vii). Interest earned from Deposits.
- (viii). Fee and penalties levied and realised.
- (ix). Income on management of Assets.
- (x). Income on execution of projects for Govt Deptts, Govt agencies, Local Authorities of the State(s) or Central Government or any other projects entrusted or obtained through Competitive Bidding process or Negotiation.

The Authority shall be allowed to charge a handling fee (Establishment Cost) not exceeding @ 5% of project cost from such agencies/Govt Deptt as may be decided by the MD.

Chapter III

STEPS INVOLVED IN EXECUTION OF PROJECTS

- (a) All proposals going to Authority must necessarily be approved by the PCC.
- (b) The procedure for Projects for the Authority shall involve following steps -

Step 1 – Identification of the Project – BIADA may identify a project on its own and move to step 2. Alternatively, any Govt Deptt/ Private Agency may identify a project and request BIADA to take the project to Step 2.

Step 2 – Preliminary Appraisal - MD shall be competent to undertake preliminary viability studies for the project. MD shall be competent to incur all expenditure in conducting such studies. BIADA can undertake such study from its own employees or outsource the work to external/Inhouse Consultants.

Step 3 – Preparation of DPR(Detailed Project Reports) - If the project passes appraisal studies in step 2, the BIADA shall move for preparing the DPRs. DPRs shall also include the BOQ. BIADA can undertake such DPR preparation from its own employees or outsource the work to external/Inhouse Consultants.

Step 4 – Technical/Administrative Approvals of DPRs/BOQs – The BIADA shall follow the procedures as indicated in Regulation 4.1 for approvals of technical and administrative nature.

Step 5 –Inviting Bids as per DPR/BOQ - The BIADA shall follow the procedures as indicated in Regulation 4.1 for finalizing tenders. While finalizing the tenders, the BIADA may also take recourse to direct negotiation or Competitive Bidding for securing the least rates in the interest of the project.

Chapter-IV FINANCIAL POWERS AND PROCUREMENT OF GOODS & SERVICES

4. The financial powers of the Office bearers of the BIADA are delineated herein.

4.1 Financial and Tendering Powers and Procedures

The procurement of goods and services shall be done as per the following process -

S No	Type of Expenditure/ Approval	Proposed Limit	Tendering Process	Whether to go to PCC or not	Competent Authority to Sanction
A	All procurement of Goods as defined under Regulation 124 of Bihar Finance (Amendment) Rules, 2005.	i) Upto Rs 15000 (Fifteen Thousand)	i) Off the shelf (as per Regulation no. 131 C of Bihar Finance (Amendment) Rules, 2005)	i) No	i) MD
		ii)Rs 15000- Upto Rs1,00,000 (One Lac)	ii) Market Survey by obtaining at least three quotations (as per Regulation no. 131 D of Bihar Finance (Amendment) Rules, 2005)	ii) No	ii) MD
		iii) Rs 1 Lacs - Upto Rs 10,00,000 (Ten Lacs)	iii) Limited tender (as per Regulation no. 131 I of Bihar Finance (Amendment) Rules, 2005).The MD may decide to additionally go for advertisement in local Newspaper depending upon the nature of purchase.	iii) No (Goes to the internal purchase committee)	iii) MD
		iv) Rs 10 lacs - Upto Rs 25,00,000 (Twenty Five Lacs)	iv) Limited tender (as per Regulation no. 131 I of Bihar Finance (Amendment) Rules, 2005) The MD may decide to additionally go for advertisement in local Newspaper depending upon the nature of purchase.	iv) Yes	iv) MD
		v) More than Rs 25,00,000(Twenty Five Lacs) upto Rs 50,00,000(Fifty Lacs)	v) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005)	v) Yes	v) Chairman
		vi) More than 50,00,000 (Fifty Lacs)	vi) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005)	vi) Yes	vi)Board. But Chairman in anticipation of the approval of the Board may grant sanction in urgency.

S No	Type of Expenditure/ Approval	Proposed Limit	Tendering Process	Whether to go to PCC or not	Competent Authority to Sanction
B	Administrative approval of Infrastructure Works in Industrial Estates of BIADA or outside.	i) Upto Rs 50 lakhs	i) Not Required	i) No	i) MD
		ii) Above Rs 50 lakhs	ii) Not Required	ii) No	ii) Board
C	Hiring of Consultants / Consultancy Firms / Independent Evaluators, both nationally and internationally, for preparing DPR as per the approved plan and evaluation of work being done.	i) For estimated cost of work/services upto Rs 25 Lakhs	i) Advertisement in local /National newspapers as the MD may decide and depending upon the nature of work.(Regulation 131Z of Bihar Finance (Amendment) Rules, 2005)	i) Yes	i) MD
		ii) For estimated cost of work/services beyond Rs 25 lakhs	ii) Advertisement in local /National newspapers and Depit website as the MD may decide and depending upon the nature of work.(Regulation 131Z of Bihar Finance (Amendment) Rules, 2005)). MD may also go for ICB.	ii) Yes	ii) Board
D	Technical Approval/sanction of Infrastructure Works in Industrial Estates of BIADA including approval of BOQ.	i) For works upto Rs 10 Lakhs	i) Not Required	i) No	i) Consultant (Tech) of BIADA
		ii) For works beyond Rs 10 lakhs	ii) Not Required	ii) No	ii) Technical Committee of BIADA
E	Finalising Tenders for works/Projects within the BOQ .	i) Any amount	i) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005)	i) Yes	i) MD

S No	Type of Expenditure/ Approval	Proposed Limit	Tendering Process	Whether to go to PCC or not	Competent Authority to Sanction
F	Finalising Tenders for works/Projects above BOQ	(i) Any Amount	(i) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005)	(i) Yes	(i) BIADA
G	Auction of the Assets belonging to or Hypothecated to or confiscated by BIADA	(i) Upto Valuation of Rs 25 lakhs	(i) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005). The MD shall get the valuation done by any of the Valuers registered with the Income Tax Deptt. <u>Note</u> - In case the maximum bid offered is less than valuation, the MD shall retender and then finalise the bid with maximum bidder whatever be the offer.	(i) Yes	(i) MD.
		(ii) Beyond Rs 25 lakhs	(ii) Same as above.	(ii) Yes	(ii) BIADA
H	Hiring of contractual staff, including sanction of compensation package	(i) For Staff of Category A	(i) Advertisement in local & national daily, the Indian Trade Journal & website (as per Regulation no. 131 H of Bihar Finance (Amendment) Rules, 2005)	(i) No	(i) Full powers to the Selection Committee provided the contracts shall be for a period not exceeding 12 months at a time
		(ii) For Staff of Category B and C	(ii) Advertisement in Local Newspapers.	(ii) No	(ii) Full powers to MD subject to the compensation package approved by Board, provided the contracts shall be for a period not exceeding 12 months at a time.

S No	Type of Expenditure/ Approval	Proposed Limit	Tendering Process	Whether to go to PCC or not	Competent Authority to Sanction
I	All related activities in pursuance of plan approved by Authority, such as, Advertisement charges, Advance to contractors, Repayment of earnest money/security deposit, Freight charges, demurrage, Furniture & fixtures (within Budget limit), stationery, conveyance, electricity & water charges, Insurance, legal charges, postage, telephone, Fax, Repair and maintenance of equipment, Hiring of taxis, Auditors, all trainings, payment of TA/ DA / Honoraria to resource persons, TA/DA to Authority staff, payment related to documentation etc.	(i) Of all kinds	(i) Advertisement in local /National newspapers as the MD may decide and depending upon the nature of expenditure.	(i) No	(i) Full powers to MD.
J	Release of funds for implementation of plans approved by Authority	(i) Of all kinds	(i) Not required.	(i) No	(i) Full Powers to MD
K	Allotment of Land in Industrial Area	(i) Of all kinds	(i) Not Required	(i) Yes	(i) MD
L	Cancellation of plots already allotted	(i) Of all kinds	(i) Not Required	(i) No	(i) MD

4.2 Powers of the Managing Director

The Managing Director shall be the executive head of the BIADA and shall be responsible for proper administration of the affairs and funds of the BIADA and implementation of various activities of the Authority under the directions and guidance of the Chairman of BIADA. For the effective discharge of his function he shall have powers to

- (a) Constitute steering group for each of the project components and functional areas.
- (b) Constitute a task force, comprising heads of the steering groups which would function as a cohesive team for achievement of the objectives of the BIADA.
- (c) Prescribe and assign the duties of all officers and staff of the BIADA.
- (d) Exercise such supervision and disciplinary control as may be necessary.
- (e) Coordinate and exercise general supervision over the activities of the BIADA.
- (f) Conduct meetings of the BIADA and keep a record of proceedings of these meetings in accordance with the Regulations and guidelines framed by the Board.
- (g) Discharge such other functions as may be assigned to him by the Chairman in furtherance of the objects of the BIADA.
- (h) He shall exercise powers as mentioned in 4.1.

4.3 Powers of Chairman

- (a) The Chairman shall be responsible for overall administration of the affairs and funds of the BIADA and implementation of various activities of the Authority.
- (b) The Chairman shall chair all the meetings of the BIADA.
- (c) He shall exercise financial powers as mentioned in section 4.1 .
- (d) The Chairman may coopt such other members in BIADA as he deems fit.
- (e) The Chairperson may approve of any activity in anticipation of the decision of the BIADA and seek post facto approval on the same from the BIADA

- 4.4** (a) The financial powers of the Authority, which have not been delegated to a subordinate authority and not vested exclusively on the Board of Directors, shall vest in the Chairperson.
- (b) Unless otherwise provided by any special order, it shall be within the competence of an authority to exercise the financial powers delegated to another authority subordinate to it.

4.5 Review / Revision of Financial Powers

The BIADA may review and revise the financial powers of the office bearers of the bodies of the Authority from time to time if considered necessary.

Chapter V FINANCE AND ACCOUNTS

5.1 Basis of preparation of Financial Statements

The Financial Statement shall be prepared on the cash basis of accounting and in accordance with the applicable accounting standards issued by the Institute of Chartered Accountants of India. The financial records and accounts of the IDA shall be maintained in the forms and registers as prescribed.

5.2 Bank Accounts

- (i) The funds of the IDA shall be kept in a Scheduled Nationalised/Commercial Bank listed in the Second Schedule of the RBI Act.

Chapter VI AUDIT

6.1 Audit of Accounts

The BIADA shall have two kinds of Audit – Internal and External.

6.1.1 External Audit

The accounts of BIADA shall be subjected to external Audit. The External Auditor shall submit a report as to whether the financial statements of the BIADA represent a true and fair view of the financial position as at end of the financial year and of the operations for the year ended on that date. External audit, for the purpose of the submitting audited financial statements to the State Govt., will be carried out by a firm of chartered accountant. In addition, the C&AG of India through State AGs may carry out a supplementary audit under the C&AG "Duties, Powers & Conditions of Services Act, 1971."

6.1.2 Internal Audit/ Management Audit

The purpose of internal/ management audit is to determine whether the financial management arrangements including internal control mechanism as developed are working effectively, identify areas of for improvement and enhancing efficiency. The internal audit / management audit will be carried out by the Authority either on its own or through an outsourced arrangement.

Chapter VII MISCELLANEOUS

(A) The income and property of the Authority, howsoever, derived shall be applied towards the promotion and realization of the objectives of the Authority, subject to financial discipline in respect of the expenditure of grants as may be imposed by the Government from time to time.

(B) If on the winding up or dissolution of the Authority there shall remain after satisfaction of its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members or any of them, but shall, consistently with the objectives of the Authority, be dealt with such manner as the Government may determine.

Chapter IX REMOVAL OF DOUBTS

Removal of doubts- Where a doubt arises as to the interpretation of any of the provisions of these Regulations, the matter shall be referred to the Board of BIADA whose decision on the interpretation of the same shall be final.

Chapter X DUES OF BIADA

The BIADA shall be free to realize all its dues from firms/promoters/any individual/company as if they are dues recoverable under Bihar and Orissa Public Demands Recovery Act in addition to any other procedure prescribed by any law for the time being in force..

PART 11

SERVICE REGULATIONS AND PROCEDURES

1. Recruitment and Appointment

1.1 Recruitment would be through any of the following three routes:

(A) **Appointment from open market:** all such appointments will be on contractual basis for a fixed tenure:

(B) **Appointments on Deputation basis:** all such appointments will be regulated in terms of the State Government Regulations relating to Deputation of its officers/staff.

(C) **Individuals recruited and paid for by an outside agency [e.g. Government of India and/or Development Partners] but posted to work in Authority Secretariat:** all such persons shall be governed by the terms of employment of the organisation/agency concerned.

(D) **Rules and Regulations regarding reservation of posts in the State Government shall be applicable to the Authority.**

1.2 Posts and Appointments to be of temporary nature- All appointments would be temporary and would be made for the contract/deputation period as determined by the BIADA. All the posts indicated in Schedule I are temporary in nature and may be abolished by the Authority. The Authority may, if required, create any additional posts, purely on temporary/contractual basis.

1.2.1 All the employees on contract or deputation shall sign contract as applicable.

1.2.2 Normally all the contracts shall be for a period of 12 months.

1.2.3 The appointment authority shall be the MD or an officer designated by the MD.

1.2.4 A person who has resigned or has been dismissed from the BIADA shall not be appointed again to any post in BIADA.

1.3 Category of Posts

- (i) The sanctioned posts under the BIADA as on date are set out in Annexure A. However, the authority may review the requirement every three years and seek sanction of the Government for creation of additional posts if required as per work load or reduce the number of posts if found not required.
- (ii) The existing posts are categorised in Categories A, B and C. Recruitment to Posts A shall be made by Selection Committee. For B, the MD shall be competent to select and appoint. For C, no fresh appointments shall be made and these workers can be obtained from outsourcing to Human Resource Development Agencies. MD shall be competent to decide their number and compensation package.
- (iii) All the posts, except Chairman, MD and Secretary, can be filled from either deputation or contract.
- (iv) To address the changing role of BIADA, certain more professionals/Specialists/Consultants need to be appointed. Such fresh creation of posts and their package is given at Annexure B to Schedule 1.
- (v) In case of persons taken on deputation from State/Central Govt. or from any organization, the last salary* drawn along with the deputation allowance, or project allowance as permissible will be payable by the BIADA.

1.4 Minimum Qualification

Minimum qualification for each post shall be as per Annexure a and b of these Regulations. Notwithstanding the same, the MD shall be empowered to lower or enhance the minimum qualifications in exceptional circumstances with the approval of the Board.

1.5 Termination of Service

- (a) The services of an employee may be terminated by the MD without assigning any reason by a notice of one month in writing to the employee or on payment of one month's pay and allowances in lieu of such notice.
- (b) The service of an employee shall stand terminated:-

- (i) If his appointment is made for a specified period on the expiry of such period unless the appointment is extended for a further period.
or
- (ii) If his appointment is made against a temporary post, on the abolition of the post or on the expiry of the period for which the post is created.
or
- (iii) If (s)he fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him and after his explanation, if any, in reply to a show cause notice, which should be given in all such cases, has been taken into account.
Or
- (iv) If serious charges of misconduct against an employee are established.

1.6 Renewal of Contract & Re employment

- a) The MD may renew/cancel the contract at end of 12 months. Upon renewal, he may increase or decrease the remuneration for the next 12 months up to 10% (Ten percent). Beyond 10%, approval of BIADA Board shall be necessary.
- b) MD shall be empowered to terminate the contract before the expiry of the term of the contract.
- c) An employee whose services have been removed from the Authority or who has resigned shall not be able to seek a reemployment of any type at any stage with the Authority.

1.7 Resignation

- a) An employee may resign from the service of the BIADA by giving notice of one month in writing addressed to the appointing authority or on payment of one month's pay and allowance in lieu of such notice.
- b) The appointing authority may, if it deems proper in any special circumstances, permit an employee to resign from the service of the BIADA by notice of less than a month.
- c) The resignation shall be effective from the date of its acceptance by the Appointing Authority.

1.8 Remuneration

- a) Remuneration for the posts under BIADA shall be as specified in *Annexure A and B* to Schedule 1.
- b) The appointing authority may grant higher emoluments/ increments on the recommendation of the selection committee for a professional / technical post.
- c) An employee shall be entitled to the remuneration of the post to which (s) he is appointed from the date on which he assumes charge of the post.
- d) The emoluments in respect of any month shall be disbursed in the first week of the next month. An employee resigning from the service of the BIADA without the prescribed notice shall not unless the controlling authority directs otherwise be allowed to draw emoluments due but not drawn. The emoluments so not allowed to be drawn shall not exceed the emoluments and admissible allowances for one month.

1.9 Travelling Allowance

The MD shall be empowered to fix the TA/DA of the officers and Staff of the BIADA.

1.10 Leave Provisions

- a) Ten days in a year shall be the total leave admissible to employees on contract. Those on deputation shall be given leave as per Bihar Service Code.
- b) Leave cannot be claimed as a matter of right. When exigencies of BIADA's service so require, the direction to refuse, postpone, curtail or revoke leave of any description or to recall to duty any employee on leave is reserved with the MD.

1.11 Absence after Expiry of Leave

- a) Unless the authority competent to grant leave extends the leave, an employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence.
- b) Wilful absence from duty after the expiry of approved leave renders an employee liable to disciplinary action.

1.12 Leave Address

An employee proceeding on leave shall intimate the competent authority his address during leave and shall keep the said authority informed of any change in leave address.

2. GENERAL CONDITIONS OF SERVICE

2.1 Whole Time Employment

- (i) An employee may be required to serve the BIADA at any place and in any post not lower than the post to which he is substantively appointed or to which he is reduced as a measure of punishment in accordance with the laid down provisions.
- (ii) An employee may be required to undergo a training programme within India.
- (iii) Employees of BIADA shall not indulge in any part-time profit making or non profit making activity outside the office hours.

2.2 Transfer and Joining Time

An employee of the BIADA can be transferred to any place within Bihar or outside by the MD. Joining time of 3 days (within Bihar) and 7 days (Outside Bihar) may be granted to an employee on transfer to join a new post at a new station.

2.3 Working Hours and Holidays

The MD shall be competent to decide the working hours of the BIADA. The BIADA may observe such holidays as are observed by the Secretariat of the Government in Bihar located at Patna.

2.4 Personnel Records

The BIADA shall maintain personnel records in such form as may be prescribed.

2.5 Deduction of tax at Source

Tax will be deducted as per income tax Regulations and the Authority shall register itself with the relevant authorities in this regard.

2.6 Conduct

- a) Every employee shall at all times maintain absolute integrity and devotion to duty.
- b) Every employee shall abide by and comply with the Regulations and Regulations of the BIADA and all orders and directions of his/her superior authorities.
- c) Every employee shall extend utmost courtesy and attention to all persons with whom he/she has to deal in the course of his duties.
- d) Every employee shall endeavour to promote the interest of the BIADA and shall not act in any manner prejudicial to the interest of BIADA.
- e) No employee, while in service of the BIADA shall take part in any unlawful activity / of activities of a political or a communal party.
- f) All knowledge and information not within the public domain which may be acquired during the work, shall be, for all time and for all purpose, regarded as strictly confidential and held in confidence, and shall not be directly or indirectly disclose to any person whatsoever, except with the written permission of BIADA.
- g) No employee shall join or continue to be a member of an association the objects and activities of which are prejudicial to the interest of sovereignty and integrity of India a public order or morality.
- h) No employee shall bring or attempt to bring any outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to the service in the authority.

2.7 Misconduct

Misconduct – Any breach of these regulations shall be deemed to constitute a misconduct. Without prejudice to the generality of the terms 'misconduct', it shall be deemed to include the following :-

- i) Wilful insubordination or disobedience, whether or not in combination with others, of any lawful and reasonable order of his superior, or commission of any act subversive of discipline or of good behaviour.
- ii) Participation in an illegal strike or abetting, inciting instigating or acting in furtherance thereof.
- iii) Wilful slowing down in performance of work, malingering or abetment, or instigation thereof or interference with the work of other employees.
- iv) Theft, fraud or dishonesty in connection with the business or property of the Authority.
- v) Taking or giving bribes or any illegal gratification.
- vi) Absence without leave or over-staying the sanctioned leave without sufficient ground or proper or satisfactory explanation or absence from the employee's appointment place of work without permission or sufficient cause.
- vii) Habitual late attendance.
- viii) Breach of any law, rules, regulation or orders applicable to the establishment.
- ix) Collection without the permission of competent authority of any money except as sanctioned by the law of the land or the rules of the Authority for the time being in force.
- x) Engaging in any business or trade within the premises of the establishment.
- xi) Drunkenness riotous, disorderly or indecent behaviour, gambling extortion or committing nuisance on the premises of the establishment.
- xii) Habitual negligence or neglect of work.

2.8 Appeals and Review

2.8.1 Appellate Authorities

An appeal shall lie from any original orders made –

- (i) By any Officer in the head quarter to the MD.
- (ii) By the MD to the Chairman.

2.8.2 Period for Appeals

No appeals shall be entertained unless it is submitted within a period of 15 days from the date on which the orders appealed against is communicated to the person concerned. Provided that the appellate authority may entertain the appeal preferred after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time, provided it is preferred within a further period of 1 month from the date of expiry of period of limitation.

2.8.3 Submission of Appeals

- a) Every person submitting an appeal shall do so separately and in his own name.
- b) The appeal shall be addressed to the appellate authority, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.
- c) Every appeal shall be submitted to the Executive Director who shall, unless he is himself the appellate authority, transmit it to the appellate authority.

2.8.4 Consideration of Appeal

The appellate authority shall consider every appeal in such manner as it deems fit and pass such order as it deems proper in the circumstances of the case.

Provided that no order shall be passed unless the appellant is given a reasonable opportunity of making any representation which he may wish to make against such order.

2.8.5 Review

The BIADA may, on its own motion or otherwise, review any order made by an authority and pass such orders as it deems fit in the circumstances of the case.

Where an employee who has been dismissed or suspended, is reinstated, the authority reinstating him shall make an order specifying:-

- (i) Whether the employee may draw for the period of his absence from duty any pay and allowances in addition to the pay and allowances admissible under Regulations.
- (ii) Whether such period may be treated as on duty for all or any purposes.

3. MISCELLANEOUS

3.1 Authentication

All orders and decisions of the BIADA shall be authenticated by the signature of the MD or by such other officer as may be specified by the BIADA in its behalf.

3.2 Applicability of the Service Regulations

These Service Regulations shall apply to all the employees of BIADA who join after the coming into force of these new Regulations.

These Service Regulations shall also be applicable to those employees who had joined before these Regulations coming into force. For this purpose, they shall have to enter into a contract as mentioned in Regulation 1.2.1 of the Service Regulations. If they choose not to sign the contract, they shall have to opt out of BIADA under a Retrenchment Scheme to be adopted by the Authority.

3.3 PF and Gratuity

The BIADA shall frame a separate scheme and notify the same.

Annexure A to Schedule 1

Category	Designation	New Designation	No. of Post	Nature	Emoluments per month	Qualification
1	2	3	4	5	6	7
	Chairman	Same	01	Deputation	-	-
	Managing Director	Same	01	Deputation	-	-
A	Executive Director	Same	04	Deputation/Contract	30000	MBA(Finance/HRD) with 10 years of experience
A	Secretary (B.A.S)	Same	01	Deputation	-	-
A	Executive Engineer (Civil)	Same	01	Deputation/Contract	25000	B Tech/BE (Civil) with 5 years experience
A	Assistant Engineer (Civil)	Same	02	Deputation/Contract	18000	B Tech/BE (Civil) with 3 years experience
A	Asstt Engineer(Electric)	Same	02	Deputation/Contract	18000	B Tech/BE (Elec) with 3 years experience
A	Development Officer	Same	04	Deputation/Contract	20000	MBA/BTech/BE in any field with atleast 5 years experience in project management
A	Chief Account Officer	Same	01	Deputation/Contract	20000	CA/ICWA with atleast 3 years experience
B	Junior Engineer (Civil)	Same	02	Deputation/Contract	12000	Diploma in Civil Engg with 3 years experience
B	Junior Engineer (Electric)	Same	02	Deputation/Contract	12000	Diploma in Civil Engg with 3 years experience
B	Senior Account Officer	Same	01	Deputation/Contract	12000	CA/ICWA with atleast 1 year experience
B	Assistant Development Officer	Same	04	Deputation/Contract	20000	MBA/BTech/BE in any field with atleast 2 years experience in project management.
C	Industrial Extension Officer/ Area Manager	Exe cuti ves	17	Deputation/Contract	10000 To Be Outsourced	B. Com /Diploma in Engineering in any field with Diploma in Computer Applications
C	Section Officer		04	Deputation/Contract		
C	Assistant		10	Deputation/Contract		
C	Data Entry Operator		08	Deputation/Contract		
C	Routine Clerk		04	Deputation/Contract		
C	Accounts Clerk/ Cashier		05	Deputation/Contract		
C	Personal Assistant	Same	06	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Draft Man	Same	01	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Amin/Server	Same	01	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Peon/ Night Guard	Same	55	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Driver	Same	05	Deputation/Contract	To Be Outsourced	To be decided by the MD
C	Tracer Guard	Same	01	Deputation/Contract	To Be Outsourced	To be decided by the MD
	Total:-		143			

Note -

1. In category C posts, the MD is empowered to obtain additional manpower from private HRD Service Agencies according to the need and work.
2. The indicated salary is upper limit. The MD may decide a lower package in any individual case if he so decides.
3. Emoluments indicated in Col 6 are for the employees hired on contract. If, however, they are on deputation, they shall be drawing their last pay drawn plus deputation allowance as admissible.

Annexure B to Schedule 1

Additional Posts to be created

Category.	New Designation	No of Posts	Nature	Emoluments per month	Qualification
A	Chief Adm Officer	1	Deputation/Contract	30000	MBA(Personnel Adm) /PG Diploma in HRD with at least 10 yrs experience
A	Consultant -Tech	1	Deputation/Contract	30000	B Tech/BE (Civil) with at least 10 years of experience
A	Consultant - Project implementation	1	Deputation/Contract	30000	B Tech/BE(Civil)/Diploma in Civil Engg PLUS MBA(Finance)/CFA/MFC/I CWA with 5 years experience in Infrastructure Sector
A	Consultant - Finance	1	Deputation/Contract	25000	MBA(Finance)/CFA/MFC/I CWA with at least 5 years experience
A	Consultant - Media	1	Deputation/Contract	25000	PG Diploma in Mass Communication/Journalism/ Advt/PR with 2 years experience
A	Consultant - Legal	1	Deputation/Contract	25000	LLB with atleast 7 years experience.
A	Consultant - Accounts	1	Deputation/Contract	25000	MBA (Finance) /CA/ICWA with atleast 5 years of experience
A	AE(Civil)	2	Deputation/Contract	18000	BE (Civil) with 3 years experience
B	JE(Electric)	2	Deputation/Contract	12000	Diploma in Elect. Engg 3 years experience
B	JE (Civil)	2	Deputation/Contract	12000	Diploma in Civil Engg with 3 years experience
Total -		13 New posts to be created.			

Note -

1. The salary indicated is upper limit. The MD may decide a lower package in any individual case if he so decides.

Schedule 2Technical Regulations of the Bihar Industrial Area Development Authority, 2007**1. Short Title and Commencement:**

These Regulations may be called Bihar Industrial Area Development Authority Technical REGULATIONS 2007. It shall come into force from the date of publication of the Government Resolution in the official Gazette.

2. Application:

These Regulations shall apply to every employee of BIADA including those on deputation and also on contract basis to the extent that they are not in contravention of the terms and conditions of their deputation/ contract to BIADA.

3. Definition:

In these Regulations, unless context otherwise implies:

3.1 Act means the Bihar Industrial Area Development Act, 1974.

3.2 Appointing Authority in relation to any post under the BIADA means the authority competent to make appointments to those posts under these Regulations.

3.3 Bank Means a scheduled nationalized/ commercial bank in which the funds of the BIADA may be kept in Savings/ fixed deposit account.

3.4 Code means the PWD Code of the Govt of Bihar.

3.5 Consultants on Retainer ship means such Consultants/Consultancy Firms as the Authority may hire on fee basis.

3.6 Department means the Industries Department of Bihar

3.7 Employee means any person serving the BIADA on any post with regular emoluments, it includes those on deputation and also on contract basis.

3.8 Employee on Deputation means an employee of any other department /agencies/authority whose services are obtained by the BIADA on deputation.

3.9 Government means Government of Bihar.

3.10 Regulations means Regulations of the BIADA and as modified from time to time in accordance with the procedure laid in this regard.

3.11 Schedule of Rates means the rates as approved by the Executive Committee.

4. Schedule of Rates (SOR)

The rates/procedures followed by the State PWD/CPWD/NHAI shall be followed. The BIADA may make or revise its own SOR.

5. Bidding System

The Authority shall follow the two bid system - Technical and Financial, as mentioned in Regulation 131J of the Bihar Finance (Amendment) Regulations, 2005

6. Tenders

The Authority may go for a local or national tender. It may also go in for International Competitive Bidding (ICB) depending upon the nature of work.

6.1 Tender Dates

Normally, the Authority shall give 2 weeks time for inviting tenders. It may give a shorter time of a week or less if the MD is so satisfied.

6.2 Single Tenders

Single tenders may be accepted. Moreover, in case, 2 or more tenderers applied initially and after technical scrutiny only one gets qualified then this shall not come under single tender category.

7. Empanelment of Contractors

The Authority may evolve its own norms for empanelment/enlisting of contractors/ construction firms. It may take guidance from the enlistment norms adopted by the RCD. It may exempt agencies/contractors empanelled with RCD/CPWD/GoI/NHAI/GoI PSUs and other State Governments and their PSUs from separate registration requirements provided that after the work is allotted to the said agency/contractor shall have to be get registered with the Authority.

8. Standard Bidding Document

The Authority may make its own standard bidding document or may adopt any other document in practice with any State Govt/GoI.

9. Negotiations with bidders

The BIADA shall negotiate only with L-1. If it feels that the rates quoted by L1 are very high then BIADA may offer the lowest bidder, its own rate (below L1) based on market study. In case, the lowest bidder refuses to come down to BIADA's satisfaction, it should go for a re tender.

The decision, whether to go for a re tender or not, shall rest with the MD.

10. Plants and Machinery

For completion of its projects and/or to help enhance the capacity of its contractors/ Engineers, the BIADA may purchase/hire plants and machinery.

11. Security

The Authority shall take from all Consultants/Consultancy Firms/Contractors etc a Bank Guarantee of an appropriate amount. The Bank Guarantee may be from a branch outside the State.

12. Consultants on Retainer ship

The Authority may hire national or international Consultants/Consultancy firms on a retainer ship basis against an annual/work based fee for assisting itself on planning, design, implementation and such other issue as the Authority may deem fit. The Authority may require these Consultants/Consultancy firms to be stationed in house.


Principal Secretary,
Deptt. of Industries,
Bihar, Patna