

# **Bihar State Disaster Management Authority (Functions and Management) Rules, 2012**

BIHAR

India

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### **Rule**

### **BIHAR-STATE-DISASTER-MANAGEMENT-AUTHORITY-FUNCTIONS-A of 2012**

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Bihar State Disaster Management Authority (Functions and Management) Rules, 2012 Published vide Notification No. 2@lfkko&2&o&34@2011&180@vkoizo, dated 15.01.2013 Last Updated 8th February, 2020 No. 2@lfkko&2&o&34@2011&180@vkoizo - In Exercise of The Powers Conferred By Sub Section (1) of Section 78 Read With Section 16 of The Disaster Management Act, 2005 (Act No.53 of 2005), The Governor of Bihar Hereby Makes The Following Rules Regulating The Service Conditions Including Appointment of The Employees At The Authority.-

### **1. Short Title Extent and Commencement.**

(1) These rules may be called the Bihar State Disaster Management Authority (Functions and Management) Rules, 2012 (2) It shall extend to the whole of the State of Bihar. (3) These Rules shall be deemed to have come into effect from the date of their publication in the official Gazette.

### **Part I – 2. Definitions.**

- 1. In these rules, unless otherwise requires in the context :-(i)"Act" means the Disaster Management Act, 2005 (Act. No.53 of 2005);(ii)"Advisory Committee" means the Advisory Committee constituted by the Authority under sub- section (1) of section 17 of the Act;(iii)"Annual Report" means the Annual Report prepared by the Authority under sub-section (2) of section 70 of the Act.(iv)"Authority" means the Authority as constituted by the Government under the Disaster Management Act, 2005 vide Notification No. 3449, dt. 06.11.2007 of the state of Bihar.(v)"Bank" means a scheduled nationalized bank in which the fund of the Authority may be kept in savings/

fixed deposit account.(vi)"Chairperson" means the Chairperson of the Authority established under sub-section (2) (a) of section 14 of the Act.(vii)"Chief Executive Officer" means the Chief Executive Officer of the Authority.(viii)"Financial Year" means the financial year commencing from 1st April each year and ending on 31st March of the following year.(ix)"Member" means the Member of the Authority nominated under clause (b) of sub-section (2) of section 14 of the Act.(x)'Secretary' means Secretary of the Authority.(xi)"State Disaster Mitigation Fund" means the fund provided under Rule 33 (c) of these Rules for mitigation activities relating to different disasters;(xii)"Sub-Committee" means a Sub-Committee constituted by the State Executive Committee under sub-section (2) of section 21 of the Act.(xiii)"Vice Chairperson" means the Vice- Chairperson of the Authority designated under Sub-section (3) of section 14 of the Act.(2)Words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings assigned to them in the Act.

### **3. Functions of the Authority.**

(1)The functions of the Authority shall be as provided under section 18 of the Act and as decided by the Authority from time to time. These rules are framed to carry out and fulfill the provisions of the Act.(2)The Authority shall have the following five divisions in order to facilitate its smooth functioning:(a)Natural Disaster Division(b)Environment & Climate Change Adaptation (CCA) Division(c)Human Resource Development & Capacity Building Division(d)Human Induced Disaster Division(e)Administration & Finance DivisionThe Roles and Functions of above divisions will be as indicated in Appendix-I.The Authority, however, shall create such divisions, as necessary, from time to time.

### **4. Committees.**

- The following shall be the committees under the authority:-(i)The State Executive Committee:-(a)The State Executive Committee has been notified vide Notification No. PRA.AA-15/2008/597, dt. 25/6/2008 as per section 20 of the Act.(b)Chairperson of the State Executive Committee shall be the Chief Executive Officer of the Authority ex-officio as prescribed under Section 14 (2) (c) and 14 ( 4 ) of the Act, 2005.(c)The State Executive Committee shall invite Secretary of the Authority as special invitee to attend all its meetings.(ii)Section 17 of the Act provides provision for an Advisory Committee as follows:-A State Authority may, as and when it considers necessary, constitute an Advisory Committee, consisting of experts in the field of disaster management and having practical experience of disaster management to make recommendations on different aspects of disaster management.(A)Appropriate number of Sub-Committee and members of such committee will be decided by the Authority.(iii)State Forum for Disaster Risk Reduction ( DRR)The Authority, as and when it considers necessary, may constitute a Forum for Disaster Risk Reduction constituting a wide range of different stake holders.The number of members of the forum will be decided by the Authority.(iv)Projects and Schemes Committee The projects and schemes committee shall approve and sanction schemes, projects etc, undertaken by the Authority and it shall comprise of the Vice Chairperson, Members, Secretary and Financial Adviser of the Authority.(v)Selection Committee for the purpose of recruitment and selection of staff of the Authority It has been provided in Rule 9 of these rules.(vi)Internal purchase committee(B)Vice Chairperson may constitute Internal Purchase Committee as per Bihar Financial rules for

procurements and purchases, consisting of the Secretary of the Authority as Chairperson and one member each from the Authority, Finance department, Disaster Management Department, not below the rank of Deputy Secretary and the Financial Adviser of the Authority as convener. The Vice Chairperson may also nominate subject specialist for purchase of specialized items.(vii)The members of above (ii) Advisory committee and (iii) State Forum for DRR will be paid T.A. and D.A. as admissible to the Secretary to the government of Bihar.(viii)Project Management Units Vice Chairperson may constitute Project Management Units for implementation of various projects including external funded projects funded by World Bank, ADB, and UNDP, UNICEF as and when needed. Vice Chairperson may constitute such Technical Committee under the Unit as appropriate for examination, appraisal and evaluation of projects as may be necessary.

## **Part II – 5. Officers and Staff of the Authority.**

(1)Under the powers as conferred under Section 16 of the Act, the State Government shall appoint two officers to assist the Vice Chairperson in the proper functioning of the Authority, They shall be as follows:-(i)Secretary One (1) - who shall be an officer from Indian Administrative Service/Bihar Administrative Service (B.A.S) not below the rank of Special Secretary.(ii)Addl. Secretary - One (1) - who shall be an officer from Indian Administrative Services/BAS not below the rank of Addl. Secretary,(2)The statutory posts have been indicated as Appendix 'II'. The posts created by the Notification No.3449, dated 06.11.2007 by the Government of Bihar shall continue as indicated in Appendix 'III'. In addition, additional posts shall be created for proper functioning of the Authority which will be structured as per Appendix 'IV' to these Rules.

## **6. Recruitment and Appointment.**

(1)Recruitment will be made through any of the following three routes:-(i)Appointment from open market: All such appointments will be made on contract/outsourcing basis including campus placements for a fixed tenure preferably for 3 years and may be extended to 5 years with the approval of a committee consisting of the Vice Chairperson, Members and CEO.(ii)Appointments on deputation basis: All such appointments will be regulated by the laws/rules of the State Government for deputation of its officers/staff.(iii)Rules and Regulations regarding reservation of posts in the State Government shall be applicable to the Authority.(2)Individuals recruited and paid for by an outside agency [e.g. Government of India and/or Development/ Private Partners] but posted to work in the Authority shall be governed by the terms of employment of the organization/agencies concerned.(3)Posts and Appointments to be of temporary nature: All appointments will be temporary and will be made for the period of the contract/deputation as determined by the Vice Chairperson.(4)All the employees on contract will enter into a contract as prescribed by the Authority.(5)The Secretary shall be responsible for managing the human resources of the Authority including advertisement for the vacant positions with approval of the Vice Chairperson.

## **7. Category of Posts.**

(1)The sanctioned posts under the Authority shall be as per Appendix III and IV to these rules.

However, the Authority shall have the right to review these as and when it is required and it will seek sanction of the Government for creation of additional posts as per the work load or reduction. In case of emergency or to meet some exigencies of natural calamity, additional temporary posts may be created with the approval of Vice Chairperson for a period not exceeding 6 months. In case of necessity the posts may be extended for another six months with the approval of the committee as mentioned above in rule 6 (1) (i). (2) All posts, except that of Secretary/Addl/Joint Secretary/Dy. Secretary/Under Secretary will be filled either on deputation or on contract. (3) The Authority may appoint professional experts/ specialists persons as Sr. Adviser/ Adviser to help and advise the Authority in execution of its powers and functions under the Disaster Management Act, 2005. (4) In case of persons taken on deputation from State/Central Govt. or from any other organization, the last salary drawn along with the deputation allowance or as permissible will be payable by the Authority. (5) The posts shall be divided in four categories namely Category A, B, C and D. Recruitment to all the posts shall be made on the recommendation of Selection Committee as mentioned below in Sec 9.

## **8. Minimum Qualification.**

- Minimum qualification for each post proposed to be created shall be as per Annexure IV of these Regulations. Notwithstanding the same, the Vice Chairperson shall be empowered to lower or enhance the minimum qualifications in exceptional circumstances with the recommendation of the Selection Committee.

## **9. Selection Committee.**

(1) The appointment to various posts of Category A, B, C and D. under the Appendix- 'IV' except Secretary and Additional Secretary / Joint Secretary, Deputy Secretary/Under Secretary shall be done by the Appointing Authority on the recommendation of Selection Committee which shall be comprised as follows-

- |  |              |
|--|--------------|
| (i) Secretary  | -Chairperson |
| (ii) Additional /Joint Secretary in charge of Administration/Project       | -Member      |
| (iii) One or more expert nominated by Vice Chairperson                     | -Member's    |
| (iv) Representative of SC/ST nominated by Deptt. of General Administration | -Member      |

(2) Appointments to Category 'A' and 'B' posts will need approval of the Vice Chairperson who will be the Appointing Authority. (3) The Appointing Authority for Category 'C' and 'D' posts shall be the Secretary. (4) The procedure for recruitment for personnel in BSDMA has been laid down in section 6 of the rule.

## **10. Renewal of Contract and Re-employment.**

(1) The Secretary may renew the contract at the end of 3 years with the approval of the committee mentioned in rule 6 (1) (i). (2) Upon renewal, the remuneration may be increased for the next 12 months up to 10% by Vice Chairperson. Increment beyond 10% shall need approval of the Authority.

## **11. Resignation and termination of service.**

(1)An employee may resign from the service of the Authority by giving notice of minimum one month in writing addressed to the Secretary or on payment of one month's pay and allowances in lieu of such notice.(2)The appointing authority may, if it deems proper in any special circumstances, permit an employee to resign from the service of the Authority by notice of less than a month.(3)The services of an employee on contract may be terminated by the Secretary with approval of Vice Chairperson by a notice of one month in writing to the employee on contract or on payment of one month's pay and allowances in lieu of such notice.(4)The service of an employee shall stand terminated:-(i)If the 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 the 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 the employee 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.(5)An employee, resigning from the service of the Authority without the prescribed notice shall not draw emoluments, unless the controlling authority directs otherwise.

## **12. Remuneration.**

(1)Remuneration for the posts under the Authority shall be as specified in Annexure-IV to these Rules(2)The appointing Authority may grant emoluments/ increasement on the recommendation of selection committee for a professional / technical post with the approval of Vice Chairperson after obtaining the approval of Finance Department, Govt. of Bihar.(3)An employee shall be entitled to the remuneration of the post to which she/ he is appointed from the date on which he/she assumes charge of the post.(4)The emolument of employees will be paid on monthly basis.

## **13. Travelling Allowance.**

(1)The Vice Chairperson shall approve tour programme of self, members, secretary, Sr. advisers, advisers and members of the advisory committee of the Authority.(2)The Secretary shall approve the TA/DA of other officers and staff of the Authority as per Govt. of Bihar TA Rules.(3)The secretary shall fix TA/DA of contractual staff with approval of Vice Chairperson based on project/ necessity.

## **14. Leave Provisions.**

(1)Admissible as per Bihar Government rules in case of contractual and regular employees respectively.(2)Leave cannot be claimed as a matter of right. When exigencies of Authority's service so require, the discretion to refuse, postpone, curtail or revoke leave of any description or to recall to duty any employee on leave is reserved with the Secretary.(3)Leave Address. An employee proceeding on leave shall inform the competent authority about his address with contact telephone

numbers during leave and shall keep the said authority informed of change, if any, in leave address.

## **15. Absence after Expiry of Leave.**

(1) Unless the authority competent to grant leave extends the leave, an employee who remains absent after the end of leave is not entitled to leave- salary for the period of such absence. (2) Wilful absence from duty after the expiry of approved leave renders an employee liable to disciplinary action.

## **16. General Conditions of Service.**

(1) Whole Time Contract Employment:-(a) Employment at the Authority shall be whole time appointment and an employee may be required to serve the Authority 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 prescribed provisions. (b) An employee shall undergo training programmes as and when required by the Authority. (c) Employees of the Authority shall not indulge in any part time activity outside the office hours. (d) Employees shall work as per the direction and command of the superior officers, in general. (e) Those on deputation shall remain under the administrative control of the Authority during their posting in the Authority. However, their general conditions and services shall be guided by the Bihar Service Code and the Rules of deputation as followed by the Government of Bihar. (2) Transfer and Joining Time - An employee of the Authority can be transferred to any place within Bihar or outside by the Secretary and joining time as per provisions of Bihar Service Code may be granted to an employee on transfer to join a new post at a new station.

## **17. Working hours and holidays.**

- The Secretary shall be competent to decide the working hours of the Authority and it may observe such holidays as are observed by the Secretariat of the Government of Bihar at Patna. However, in case of emergency, regular schedule need not be followed.

## **18. Personnel Records.**

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

## **19. Deduction of Tax.**

- Tax will be deducted as per Income Tax Regulations and the Authority shall register itself with the relevant Authorities in this regard.

## **20. Conduct.**

(1) Every employee shall at all times maintain absolute integrity and devotion to duty. (2) Every employee shall abide by and comply with the Rules and Regulations of the Authority and all orders

and directions of his/her superior authorities.(3)Every employee shall extend utmost courtesy and attention to all persons with whom he/she has to deal in the course of his duties.(4)Every employee shall endeavour to promote the interest of the Authority and shall not act in any manner prejudicial to the interest of Authority.(5)No employee, while in service of the Authority shall take part in any unlawful activity / or activities of a political or a communal party.(6)All knowledge and information not within the public domain which may be acquired during the work, shall be, for all time and for all purposes, regarded as strictly confidential and held in confidence, and shall not be directly or indirectly disclosed to any person whosoever, except with the written permission of the Authority.(7)No employee shall join or continue to be a member of an association the objects and activities of which are prejudicial to the sovereignty and integrity of India or public order or morality.(8)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.

## **21. Misconduct.**

- Any breach of the Rules/ Regulations or Norms shall be deemed to constitute misconduct. Without prejudice to the generality of the term '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 appointed 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.

## **22. Appeals and Review.**

- An appeal may be preferred against the orders of the Secretary before the Vice Chairperson of the Authority and the Authority may review any orders of the Vice Chairperson.

## **23. Period for Appeals.**

- No appeals shall be entertained unless it is submitted within a period of 30 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 he is

satisfied that the appellant had sufficient cause for not submitting the appeal in time, provided it is preferred within a further period of one month, from the date of expiry of period of limitation.

## **24. Submission of Appeals and Review.**

(1) Every person submitting an appeal/ review shall do so separately and in his own name. (2) 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. (3) Every appeal shall be submitted to the Secretary who shall put up the same before the Appellate Authority after properly maintaining the records and appoint a person in charge of the files and records of the Appellate Court. (4) The review so preferred by any person shall state all the circumstances, pleadings and grounds for review and submit it to the Secretary who shall cause it to be put up before the Authority in its meeting and shall present the matter before the Authority. If the Authority so permits, the person seeking review may himself present his matter. (5) The Authority may upon its own motion or upon an application exercise such powers of review and may pass an order or direction as per the facts and circumstances.

## **25. 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.

## **26. Reinstatement.**

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

## **27. Authentication.**

- All orders and decisions of the Authority as well as the State Executive Committee shall be authenticated by the signature of the Secretary or by such other officer as may be specified by the Vice Chairperson in his behalf

## **28. Powers of Chairperson.**

(1) The Chairperson shall chair all the meetings of the Authority and in his absence, the Vice Chairperson shall preside over the meetings. The Chairperson may invite Minister in charge of Disaster Management to participate as ex- officio special invitee in the meetings of the Authority.



The Chairperson may also invite Principal Secretary/Secretary of Disaster Management Department/Finance Department and such other officials to assist the Authority in its meetings.(2)If any financial power is not vested in any functionary, then it shall vest with the Chairperson.(3)The Chairperson may approve of any activity in anticipation of the decision of the Authority and seek post facto approval on the same from the Authority.(4)The Authority may delegate such powers as are necessary to the Vice Chairperson, which are related to day to day administration and functioning of the Authority.

## **29. Powers and Functions of Vice Chairperson.**

(1)The Vice Chairperson shall be responsible for overall administration of the affairs and funds of the Authority and implementation of various activities of the Authority with the help of Secretary and other functionaries(2)Vice Chairperson shall exercise such administrative and financial powers as mentioned in Appendix-V.(3)The Vice Chairperson may provide guidelines to the Secretary wherever there are any problems in execution of any scheme or project or any other work. The Vice Chairperson shall communicate and intimate the activities of the Authority to the Chairman and may seek any guidance or approval wherever necessary.(4)The Vice Chairperson shall initiate and call for a meeting of the Authority as and when required with the approval of the Chairperson but not later than six months from the last meeting.

## **30. Powers and Functions of Members.**

(1)Members will participate in the meetings of the Authority and assist in various activities of the authority as per provisions of the Act.(2)Members will perform such functions and have such powers as may be assigned by the Chairperson/ Vice Chairperson of the Authority.

## **31. Powers of the CEO.**

- The Chief Executive Officer shall exercise his powers as prescribed under the Act and with the assistance of the Secretary of the Authority.

## **32. Powers and Functions of Secretary.**

(1)The Secretary shall be a full time executive of the Authority and shall be responsible for implementation of the decisions of the Authority and broad policies and guidelines as per the Act, State Policy and perform such other functions as may be assigned by the Vice Chairperson of the Authority from time to time(2)The Secretary shall be in charge of the administration of the Authority and shall allocate duties to officers and employees provided to the Authority and exercise such supervision and executive control as are necessary.(3)The Secretary shall exercise such administrative and financial powers as mentioned in Appendix-V.(4)The Secretary shall

(i)Discharge the functions of Controlling and Disciplinary authority in respect of the officers and employees of the Authority.(ii)Implement the policies and other guidelines of the Authority as given from time to time.(iii)Engage consultants with the approval of Vice Chairperson for performance of

specific jobs subject to such guidelines as may be laid down by the Authority.(iv)Put up the Agenda before the meetings of the Authority.(v)Approve publication of documents, reports etc. with the consent of the Vice Chairperson.(vi)Permit air travel to non- entitled officers for reasons to be recorded in writing.(vii)Correspond with the State Government.(viii)Discharge such other functions as may be delegated to him by the Authority/Vice Chairperson.

### 33. Funds of the Authority.

(1)Administrative Fund:- The Administrative Fund of the Authority shall consist of the following:-(i)Grants in- Aids from the State Government(ii)Grants received from the Government of India(iii)Funds provided by the Government Departments for carrying out specific projects(iv)Grants and donations from trade, industry, institutions and individuals.(v)Receipts from disposal of assets(vi)Receipts from consultancy fees.(vii)Interest earned from deposits.(viii)Accruals from management of assets(2)The aforementioned sources of the Fund of the Authority are not exhaustive and the Authority may opt for any such source of Fund after a decision in its meeting and approval from the State Government. The funds shall be utilized for the following purposes:-(i)Establishment.(ii)Official expense(iii)Rent and taxes.(iv)Electricity charges.(v)Publication and printing.(vi)Expenditure on guests.(vii)Maintenance and repair.(viii)Workshops, trainings, seminars, exhibitions etc.(ix)Professional and special services.(x)Motor vehicles.(xi)Machines and furniture(3)State Disaster Mitigation Fund The State Government may , by notification in official Gazette, create a special fund to be called State Disaster Mitigation Fund for the purpose of mitigation activities relating to different Disasters as provided in section 48 (1) (c) of the Disaster Management Act 2005. This fund shall be initially to the tune of Rupees five (5) crores. The Fund may be enhanced as per requirement with the approval of the Authority. The aforesaid Fund shall be managed and administered by the Authority. The terms and conditions for operation of the Fund shall be as follows:-(i)The Secretary shall be the drawing and disbursing authority of the Fund.(ii)The Fund shall be utilized to promote research and development activities for disaster risk reduction including climate change adaptation and mitigation.(iii)This will also include activities for awareness generation through audiovisual and folk medium, other innovative approaches including use of new technology, painting and sculptor competitions etc, knowledge dissemination, capacity building and training activities/programmes including seminars, conferences, workshops and such other activities for mainstreaming disaster risk reduction in development activities.(iv)The Fund will also be utilized to strengthen the existing knowledge institutions/ educational/technical/professional / organizations in the field of disaster reduction and establish new institutions, if necessary.(v)The Fund may also be utilized to facilitate research and project works by research scholars, students and interns of educational/ professional institutions/other organizations. Appropriate scholarship/ stipend/ remuneration/honorarium may be paid to such scholars/interns/students out of the Fund. The number of such scholars/interns/students and scholarship /stipends / remuneration /honorarium to be paid will be decided by the Secretary with the approval of the Vice-Chairperson.(vi)The Fund will also be utilized for promotional activities and involvement of different stakeholders like community based organizations, civil society/ NGOs, corporate sector, volunteers and youth organization.(vii)The fund may be utilized for developing IEC including training materials.(viii)With a view to promoting various programmes of the Authority, eminent National / International scholars/

educationists/experts may be invited for special lectures/seminars/conferences etc. Wherever and whenever international experts are visiting India, they may be invited for such purposes wherein the Authority will meet their expenses relating to domestic travels including boarding and lodging.(ix)The Secretary shall forward the report of the expenses from the Fund to the Department of Disaster Management after approval of the Vice Chairperson.(4)The State Government shall make budgetary provision/allocation for the Authority each year to meet its administrative and other functions as provided under the Act.This fund shall be made available in lump sum as Grants-in-aid to the Authority each year and will be operated through a Bank Account as stated below in rule 36.

### **34. Financial Powers.**

(1)The Secretary shall exercise financial powers on behalf of the Authority to run day to day functions and administration of the Authority.(2)The delegation of financial powers in the Authority will be as per Appendix V.(3)The financial powers of the Authority which has not been delegated to a subordinate Authority, shall vest in Chairperson.(4)The Authority shall have the power to make changes in Appendix V.

### **35. 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 Authority shall be maintained in the forms and Registers as prescribed.

### **36. Bank Accounts.**

(1)The funds of the Authority shall be kept in Scheduled Public Sector Commercial Bank/s listed in the Second Schedule of the RBI Act. The account of the Authority will be operated through the system of double signature.(2)Income earned by consulting services may be deposited in separate Bank Account of the Authority which will be used by Vice Chairperson for maintenance and development of the Authority.Audit

### **37. Audit of Accounts.**

- The Authority shall have two kinds of Audit- Internal and External.(1)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 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.(2)External Audit:- The accounts of Authority shall be subjected to external statutory Audit. The External Auditor shall submit a report as to whether the financial statements of the Authority 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 accountants. In addition, the C&AG of India through State AG may carry out a supplementary audit under the C&AG "Duties, Powers & Conditions of Services Act, 1971.

## **Part IV – 38. Information Policy.**

- The authority will have a information policy conforming to the provisions of Right To Information Act 2005 so as to inbuilt necessary transparency and accountability in its work. The Authority will create a Website to facilitate this process and bring the required information in public domain.

## **39. Miscellaneous.**

(1)The Authority may enter into MOUs with educational/ professional institutions/organizations/ including eminent individuals/ experts/ specialists etc, for undertaking schemes/projects/research studies essential for fulfilling the responsibilities enshrined in the Act and Rules framed there under.(2)The Authority may establish linkages with eminent institutions / organisations working in the field of Disaster Management and related areas such as National Disaster Management Authority, National Institute of Disaster Management, United Nations, World Bank, ADB, UNDP, UNICEF etc and may also enter into MOUs with such institutions/ organizations for furthering the objectives of the Authority.(3)The Authority will work in close liaison with Disaster Management Department and other departments of government as well as District Disaster Management Authority for effective implementation of Disaster Management plans and policies.(4)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. If on the winding up or dissolution of the Authority there shall remain after satisfaction of its debts and liabilities, any property whatsoever consistent with the objectives of the Authority, this may be dealt with in such manner as the Government may determine.

## **40. Powers to make Regulation.**

- The Authority may make appropriate regulations in order to achieve the aims and objectives of the Authority. Appendix I(A)1. Natural Disaster Division Roles and Functions• To create awareness about the hazards in Bihar and what the people could do for their own safeguards. • Sensitization of various stake holders towards taking prior action so as to minimize the hazard impact. • To devote attention to the safety of schools and hospitals/ dispensaries in rural as well as in urban areas. • To introduce modifications in the building bylaws of municipal corporation, municipal councils and Nagar Panchayats and to empower them for effective enforcement of the bylaws. • To sensitize and empower the Zila Panchayats and gram sabhas with regard to the occurrence of natural disasters and to provide them simple guidelines for the personal safety of their residential quarters • To ensure that all new constructions are carried out with disaster resistant design and good quality of materials and technologies • To carry out assessment of safety of existing constructions mainly

buildings, bridges, dams etc, under various natural disasters and to develop methodology for their retrofitting so as to achieve safety against total collapse or severe damages. • Proper disaster management including disaster risk reduction will require generation of damage scenarios under simulated disasters occurrences. • To assist in carrying out capacity building of various stake holders to mitigate the impact of all natural hazards. • To disseminate the relevant guidelines issued by NDMA and take steps for their implementation in the state. • To introduce appropriate modifications, wherever necessary, in preparing the building bye laws of urban local bodies and to implement them accordingly.

Appendix I (contd)(B)2. Environment & Climate Change Adaptation (CCA) Division Roles & Functions • To create awareness of relevant issues and emerging trends relating to Environment & Climate Change Adaption. • To highlight the challenges posed to Bihar's economy both now and in future. • To develop and demonstrate systematic diagnosis of climate related problems and design of cost effective measures. • To carryout sensitization of various stakeholders namely government officers in various ministries and departments of the Government for capacity building. • To sensitize personnel in PSUs and other undertakings, NGOs, civil society etc, for capacity building. • To carry out studies on issues relevant to ecology and CCA in Bihar. • To promote inclusion of relevant issues themes in educational courses. • To analyze recurrent drought conditions in Bihar and work out possible mitigation measures keeping in view climate change trends and appropriate strategies for adaptation measures.

Appendix I (contd)(C)3. Human Resource Development and Capacity Building Division Roles and Functions For achieving mitigation and preparedness of various hazards (Natural and Human Induced) the following activities will be carried out: • To capacity building, to target the various stakeholders firstly government officers in various ministries and department of the Government will be targeted for capacity building. • To outreach the Architects, Engineers, Medical Doctors, Educationists, Industrialists, Builders and Contractors, etc, so to give education and training in vulnerability assessment, risk analysis and various components of Disaster Management. • To prepare appropriate strategy for achieving the desired results. • To prepare the necessary curricula for appropriate education and training of manpower at various levels. • To help in creating institutional facilities for training of trainers and execution of the educational and training programmes. • To target not only for training all those in position already, but also and those who will be joining the services under the Government, various undertakings or non government organizations in a continuing way.

Appendix I (contd)(D)4. Human Induced Disaster Division Roles and Functions • To create awareness about the hazards in Bihar and what the people could do for their own safeguards. • To undertake sensitization of various stake holders towards taking prior action so as to minimize the hazard impact. • To devote attention to the safety of schools and hospitals/ dispensaries in rural as well as in urban areas. • To introduce modifications in the building bylaws of municipal corporation, municipal councils and Nagar Panchayats and to empower them for effective enforcement of the bylaws. • To sensitize and empower the Zila Panchayats and Gram sabhas with regard to the occurrence of human induced disasters and to provide them simple guidelines for the personal safety of their residential /official quarters. • To create and develop damage scenarios under simulated condition for analysis and planning. • To assist in carrying out capacity building of various stake holders to mitigate the impact of all human induced hazards. • To disseminate the relevant guidelines issued by NDMA and take steps for their implementation in the state.

Appendix I (contd)(E)5. Administration and Finance Division Roles and Functions • To carry out matters pertaining to day to day administration / establishment and finance. • To undertake measures to

improve the administrative and financial functioning of the Authority. Appendix II Statutory posts in BSDMA

Sl. No.	Designation 2	No. of Posts 3	Nature 4	Emoluments 5	Qualification 6
1	Chairperson	01	Statutory	Not Applicable	Chief Minister of the State- Ex officio.
2	Vice Chairperson	01	Statutory	As per concerned rules.	One member of the Authority may be nominated by the Chairperson, as the Vice Chairperson, who shall have the status of a Cabinet Minister in the Govt. of Bihar.
3	Member	07	Statutory	As per concerned rules.	To be nominated by the Chairperson of the Authority who shall have the status of minister of state in the Govt. of Bihar.
4	Chief Executive Officer	01	Statutory	Not Applicable	Chief Secretary of the State Ex Officio Chairperson of State Executive Committee of the Authority and thereby CEO

Appendix III Govt. of Bihar Disaster Management Department Notification No.3449 dated 6.11.2007 as per details given below. The department of Disaster Management, Govt. of Bihar has sanctioned the following posts for the Bihar State Disaster Management Authority -----

Sl. No.	Designation	Pay Scale	No. of post sanctioned	Remarks
1.	Joint Secretary	14300-18300	01	
2.	Under Secretary	10000-15200	01	
3.	Section Officer	6500-10500	01	
4.	Assistant	5500-9000	02	
5.	Personal Assistant with knowledge of Computer operation	5500-9000	10	Two for the Vice Chairperson and one each for the Seven Members
6.	Upper Division Assistant	4000-6000	01	
7.	Lower Division Assistant	3050-4590	01	
8.	Driver	3050-4590	08	The appointment shall be made on the basis of contract as per the notification of the Deptt. of General Administration no 2401 dtd 18.07.2007 and as per the number of members appointed.
9.	Orderly/ Peons	2550-3200	13	"

10. Sweeper

2550-3200 01

"

3.2 Seven Air-conditioned Ambassador cars (as per the appointment of members) and one Maruti Van will be purchased for the official use in the Authority. Appendix IV Additional posts to be created by the state government

Category 1	Designation 2	No. of Posts 3	Nature 4	Emoluments 5	Qualification 6
A	Secretary	01	Deputation	37400-67000 GP-10000	IAS /Bihar Administrative Service officer not below rank of Spl. Secretary of Government of Bihar.
A	Addl. Secretary	01	Deputation	37400-67000 GP-8900	IAS/BAS Officer of the level Addl Secretary to the Government of Bihar
A	Joint Secretary	01	Deputation	37400-67000 GP-8700	BAS Officers of J S level.
A	Sr. Adviser	04	Contract	Rs. 80,000/- per month	Master's Degree in relevant field: Engg/Earth Sciences/Agriculture/ /Natural Sciences/Social Sciences/Disaster Management
	1. ENV & CCA 2. Natural Disaster. 3. Human Induced Disaster. 4. HRD, CB & training				<ul style="list-style-type: none"> <li>• Working Experience: Minimum 10 years experience in relevant field.</li> <li>• Experience in Armed forces/paramilitary forces/ Administration/ State police/Fire Services etc. will be an additional value.</li> </ul>
A	Officer on Special Duty (O.S.D) to Vice Chairperson.	01	Deputation/ Contract	37400-67000 GP-10000 (In case of retired persons as per Govt. norms.)	In the rank of Special/Addl/Joint Secretary may also be selected from government officers in the same rank. Experience in disaster management will be an additional value.
A	Adviser/Project Officer	04 (at any point)	Contract	Rs. 60,000/- per month	Same as Sr. Adviser with minimum five years experience

			of time)			
						1. ENV & CC 2. Natural Disaster 3. Human Induced Disaster 4. HRD, CB & training.
A	Sr. Editor/ Editor	01	Contract	Rs. 40,000/- 60, 000/- per month		University degree with d equivalent qualification in Communication with mi 3 yrs. of experience.
A	Sr. Adviser (Technical)	01	Deputation/ Contract	37400-67000 GP-8700		Bihar Engineering Service Water Resources/Road Construction/ Building Construction Department For contract: Minimum 3 offfield/professional exper for Sr. Adviser ( Tech), Minimum 5yrs. of field/professional exper Adviser (Tech)
	Adviser (Technical)	01	Deputation/ Contract	15600-39100 GP-7600		
A	Deputy Secretary/ Under Secretary	02	Deputation Deputy Secretary Under Secretary	15600-39100 GP-7600 15600-39100 GP-6600		B.A.S/Bihar Secretariat S officers.
A	i) Financial Adviser	01	Deputation/ contract	As per scale/ Rs.60000/-per month.		Bihar Finance Service no the rank of Deputy Commissioner. Persons having worked i Accountant General Office an experience of 7 years LCWA with at least 7 year experience.
B	ii) Accounts Officer	01	Deputation/ Contract	As per scale/ Rs. 45, 000/- per month		
C	iii) Accountant cum Cashier	02	Deputation / contract	9300-34800 GP-4200		B.S.S./ Retired from sam
B	Sr. Research officer to Vice Chairperson and each Member	05	Contract	Rs.40,000/- 50,000/- per month		1. University degree/or equivalent in Engineering Social/Natural/ Earth sc /Agriculture /Science Dis Management or PG from



					professional institute such as Business Management Computer Application/ Mass Communication/Chartered Accountant/ Disaster Management etc . 2. Minimum 5 years experience in relevant field.
B	Sr. Technical Assistant/Technical Assistant.	04	Contract	Rs30,000/- 40,000/- per month Preferably MCA with 5 yrs. experience/ BCA with 7 years experience.	
B	Astt. Editor	01	Contract	Rs 30,000/- 40,000/-per month	University degree with degree equivalent qualification in Mass Communication with minimum 1 year of experience.
B	Public Relations Officer	01	Contract	Rs 30,000/- 40,000/-per month	University degree with degree equivalent qualification in Mass Communication with minimum 1 year of experience.
B	Project Associate /Research Associate	04	Contract	Rs.20,000/- 30,000/- per month	University degree/or equivalent in Engineering/Social/Natural/ Earth Sciences/Agriculture/Disaster Management or PG from professional institutes such as Business Management/Computer Application/ Mass Communication / Chartered Accountant/Disaster Management etc .
C	Section Officer	02	Deputation/ Contract	9300-34800 GP-4800	B.S.S./Retired from same
C	Assistant	04	Deputation/ Contract	9300-34800 GP-4600	B.S.S./Retired from same
C	Upper Division Clerk	01	Deputation/ Contract	5200-20200 GP-2400 Rs. 15000/- per month	In case of retired person minimum experience in accounting procedure.
C	Lower Division Clerk	02	Deputation/ Contract	5200-20200 GP-1900 / Rs. 10000/-	In case of retired person minimum month experience in accounting procedure is required.

D	Guards	05	Contract	To be outsourced	To be decided by the Sec
Note. - I. In category B, C and D posts, the Secretary is empowered to obtain manpower from private HRD Service Agencies according to the need and work requirements.II. The indicated salary is upper limit. The Vice Chairperson may decide a lower package in any individual case, if it is so required.III. Employees on deputation shall be drawing their last pay drawn plus deputation allowance as admissible.Appendix-V(A)Delegation of Administrative Powers in the Authority					
Subject				Competent Authority	
1. Correspondence					
(5) Routine nature where only information is to be made available.				Section officer/Under Secretary dealing with the subject.	
ii) Less important matters				Dy. Secretary / Jt. Secretary / Addl. Secretary dealing with the subject	
iii) Important matters				Special Secretary / Secretary	
iv) Most important matters and letters received from government of India , NDMA etc.				Vice Chairperson ( Copy of most important letters will be sent to Chairman (CM) and CEO (cs) as per necessity)	
2. Powers to nominate members and formation of committee under Act/ Rules /Regulations/ bylaws				After consideration by Vice Chairperson, Chief Minister through Chief Secretary.	
3 i) Where authority is not defined to hear representation and power is vested in government under Act/Rules/Regulation/ bylaws				Secretary	
ii) Where Authority is not defined to hear appeal provisional and representation and power is vested in the Government under Act/Rules/ Regulations / bylaws				Secretary, where Secretary himself has not passed the order, but where Secretary has passed the order, power to hear appeal shall be with the Vice Chairperson.	
4.Extension of period of continuing schemes and temporary posts created therein.				Vice Chairperson	
5.Distribution of work in the Authority					
i. Amongst grade A and B officers				Vice Chairperson	
ii. Amongst personnel of grade C &D.				Secretary	
6.Training of officers/ Employee					
i) Short- term training within country ( up to one month period)				Secretary	
ii) Long – term training within country (more than one month period)				Vice Chairperson	
iii) All category of compulsory training				Secretary	
iv) Training and participation in workshop of personnel in foreign country ( where expenditure is met by outsources except internal expense)				Chief Minister	
v) Participation of personnel in training				Chief Minister (Through Chief Secretary)	

and workshop in foreign country ( Where state government has to meet expenses in part or full along with internal expense)

vi) Training and participation of All India Services officers in the country or foreign country  
Chief Minister

( Through Chief Secretary)

vii) Foreign travel ( on own expense)

Vice Chairperson

7. To issue No Objection Certificate ( NOC) for obtaining Passport.

Secretary in case of A and B category staff.  
Jt. Secretary in charge establishment in case of C & D staff.

8. Representation for foreign service.

Secretary in case of A & B category staff. Jt. Secretary in charge establishment in case of C & D category staff.

#### Appendix-V (contd)(B) Delegation of powers in respect of establishment in the Authority

Subject	Competent Authority
1. Sanction of casual and restricted leave	Immediate superior officer under whom employee is working.
2. Other than casual and restricted leave (except study leave)	Joint Secretary
(i) For A & B Category	Vice Chairman
(ii) For C & D Category	Secretary
3. Study leave	As per established rule

#### Appendix-V (contd) C (I) Delegation of financial powers in the Authority

S. No.	Subject	Competent Authority to Sanction
1	Approval of budget of the Authority	Authority
2	Extension of current schemes	Vice Chairperson through Projects & Schemes Committee
3	Sanction of new schemes	Secretary
(i)	costing up to Rs. two and half crores.	(Subject to budget provision and inclusion in the Authority schemes )
(ii)	Sanction of new schemes costing above Rs. two and half crores up to ten crores.	Vice Chairperson (Subject to budget provision and inclusion in the Authority schemes)
(iii)	Sanction of new schemes. costing above Rs. ten crores up to Rs. 20 crores.	Finance Minister after approval of departmental Minister (Subject to budget provision and inclusion in the Authority schemes )
(iv)	Sanction of new schemes. costing above Rs twenty crores.	do
4 (i)	Sanction order in schemes	Secretary

- (ii) Joint Secretary Level of signature on allotment order of schemes.
5. Sanction of office contingency. Secretary/ Joint Secretary
  6. Sanction of withdrawal of advance ( permanent/temporary ) from GPF Secretary
  7. Sanction of transport allowance Secretary
  8. Sanction of vehicle repairing Joint Secretary ( Subject to budget provision)
  9. Disposal of audit objection. Secretary (in important policy matters after approval of Vice Chairperson)

Appendix-V (contd) Delegation of financial powers in the Authority C (II)

S. No.	Subject	Sanction Limit	Tendering Process	Competent Authority to Sanction
1	All procurement of Goods as defined under Regulation 124 of Bihar Finance (Amendment) Rules, 2005.	(i) Up to Rs. 15000/- (Fifteen thousand)	Off the shelf (as per regulation No. 131 C of Bihar Finance Amendment Rules, 2005)	Addl /Joint Secretary
		(ii) More than Rs. 15000/- up to Rs. 100000/- (one lac)	Market Survey by obtaining at least three quotations (as per regulation No. 131 D of Bihar Finance Amendment Rules, 2005)	Secretary
		(iii) More than Rs. 10 lacs up to Rs. 2500000/- (twenty five lacs)	Limited Tender (as per regulation No. 131 l of Bihar Finance Amendment Rules, 2005). The Secretary may decide not to additionally go for advertisement in local news paper depending upon the nature of Purchase	Vice Chairperson

Limited Tender  
(as per regulation  
No. 131 l of Bihar  
Finance

## Amendment

(iv) More than Rs.10 lacs up to 2500000/- (twenty five lacs) Rules, 2005). The Secretary may decide not to additionally go for advertisement Vice Chairperson

in local news  
paper  
depending upon  
the nature of  
purchase.

Advertisement in  
local and national  
daily, theIndian

(v) More than Rs. 25 lacs up to Rs. 5000000/- (fifty lacs)	daily, the Indian Trade Journal and website (as per regulation No. 131 H of Bihar)	Vice Chairperson
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Finance  
Amendment  
Rules, 2005)

Advertisement in  
local and national  
daily, theIndian

(vi) More than Rs. 50Lacs (fifty lacs) and up to Rupees One crore.	daily, the Indian Trade Journal and website (as per regulation No. 131 H of Bihar	Vice Chairperson
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Amendment  
Rules, 2005

(vii) More than Rupees One crore.	Advertisement in local and national daily, the Indian Trade Journal and website (as per regulation No. 131 H of Bihar Finance	Committee under Vice Chairperson comprising of Secretary, Sr Adviser (Technical) and the Financial
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		Amendment Rules, 2005)	Adviser. However, Chairperson shall have power to give approval in urgentsituations and to take post facto approval of The Committee.
2.	Approval for Administrative/Official expenses.	(i) Up to Rs. 25,00000/- (Twenty Five lacs)  (ii) More than Rs. 25, 00000/- (Twenty Fivelacs)	Secretary   Vice Chairperson
		(iii) Single source selection in the context of overall interest of the Authority for estimated cost of work/services up to Rs. 25 lacs	full justification for single source should be recorded in file and approval of the competent authority obtained before resorting to such single source selection as per regulation number 131 Z G of Bihar Finance Amendment Rules 2005  Committee under Vice Chairperson
		(iv) Single source selection in the context of overall interest of the Authority for estimated cost of work/services	full justification for single source should be recorded in file and approval of the competent authority obtained before resorting to such

		beyond Rs. 25 lacs.	single source selection as per regulation number 131 Z G of Bihar Finance Amendment Rules 2005.	
3.	Hiring of contractual staff, including sanction of compensation package	(i) For Staff of Category A & B.	Advertisement in local & national daily, the Indian Trade Journal and website (as per regulation No. 131 H of Bihar Finance Amendment Rules, 2005)	Vice Chairperson Full Powers to the selection committee provided the contracts shall be for a period not exceeding 12 months at a time. Full powers to Secretary subject to the compensation Contract package shall be for a period not exceeding 12 months at a time
		(ii) For Staff of Category C & D.	Advertisement in local Newspaper	approved by Authority, provided the contracts shall be for a period not exceeding 12 months at a time
4	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 limit), stationery, conveyance, electricity & water charges, Insurance, legal charges, postage, telephone,	Of all kinds	Advertisement in local/national news paper and as the Secretary may decide and depending upon the nature of expenditure	Full powers to Secretary

	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.			
5.	Release of funds for implementation of plans approved by authority.	Of all kinds	Not Required	Full powers to Secretary
6.	Purchase of books including digital and analogue manuals. Periodicals ( including IT related	up to Rs. 20 lacs p.a		Secretary
7	Outsourcing of services (i) Housekeeping/conservancy (ii) Transportation (iii) Security ( iv) Data Operators (v) Messenger Services ( vi) Secretariat Assistance etc	Full Powers		Secretary

The powers delegated to Secretary, SDMA may be exercised by Joint Secretary, till post of Secretary, SDMA is created and is in position. The Authority may review and revise the financial powers of the office bearers of the Authority and upon approval in its meeting shall be put up before the Government for approval.