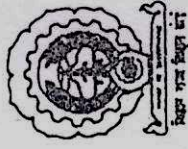


बिहार राज्य विद्युत् बोर्ड
BIHAR STATE ELECTRICITY BOARD



THE BIHAR STATE ELECTRICITY BOARD
(CONDUCT OF BUSINESS)
REGULATIONS - 1973

ADOPTED
BY

JHARKHAND STATE ELECTRICITY BOARD

झारखण्ड राज्य विद्युत् बोर्ड



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BIHAR STATE ELECTRICITY BOARD

BIHAR STATE ELECTRICITY BOARD (CONDUCT OF
BUSINESS) REGULATIONS, 1973

NOTIFICATION

No. SS/MI-10 / 73-3094/EB, Patna, the 1st Pusa
1895 (S)/22nd December, 1973

In exercise of the powers conferred by sub-sections (c) and (k) of Section 79 of the Electricity (Supply) Act, 1948 (Central Act LIV of 1948), the Bihar State Electricity Board makes the following Regulations :-

1. These Regulations may be called the "Bihar State Electricity Board (Conduct of Business) Regulations, 1973".

2 (i) In these Regulations, unless there is anything repugnant in the subject or context :-

- (a) "Act" means the Electricity (Supply) Act, 1948 (Central Act LIV of 1948);
- (b) "Board" means the Bihar State Electricity Board constituted under Section 5 of the Act;
- (c) "Chairman" means the Chairman of the Board appointed under sub-section (5) of Section 5 of the Act;

(2)

- (d) "Engineer Member" means the member of the Board appointed under clause (b) of sub-section (4) of Section 5 of the Act;
 - (e) "Finance Member" means the member of the Board appointed under clause (c) of sub-section (4) of Section 5 of the Act;
 - (f) "Administration Member" means the Member of the Board appointed under clause (a) of sub-section (4) of Section 5 of the Act.
 - (g) "Member" means a member of the Board and includes the Chairman.
 - (h) "Secretary" means the Secretary of the Board appointed under Section 15 of the Act.
 - (i) "State Government" means the Government of the State of Bihar.
- 2 (ii) All other expressions used in these regulations but not specifically defined therein have the same meaning as are respectively assigned to them in the Electricity (Supply) Act, 1948 (Central Act LIV of 1948), and the Rules framed thereunder, as the case may be.
- (iii) Nothing in these Rules shall be repugnant to the provisions of the Electricity (Supply) Act, 1948, The Bihar State Electricity Board Rules, 1960 and the Indian Electricity Act, 1910. In case of any conflict, incompatibility, difference in interpretations in respect of any of these Rules and the afore-said Acts and Rules, the provisions and the interpretations contained in the latter shall prevail.
3. If any doubt arises as to the interpretation of these Regulations, the decision of the Chairman thereon shall be final.

4. Conduct of Business.—The business of the Board shall be transacted at a meeting of the Board in accordance with the Bihar State Electricity Board (Conduct of Meeting) Regulations, 1958.

5. The duties and functions of Chairman.—Subject to such directions as may be issued by the State Government from time to time and such delegations as may be made by the Board in this behalf, the Chairman shall be responsible for the day-to-day administration and for properly carrying out the directions and decisions of the Board. He shall function as a liaison between the State Government and the Board in matters arising out of the administration of the Act to the extent the State Government is concerned. He will be the Chief Executive of the Board and he will have the right to review/amend the decisions taken by members. He will coordinate various functions of the Board. He will be responsible for initiating and implementing policies and plans for long range development in consultation with functional heads.

6. The duties and functions of Engineer Member.—

He will be the Principal Executive of the Engineering functions in the Board. He will be responsible for achievement of performance objectives in Engineering functions. He will co-ordinate the activities of the following sub-functions :—

- (i) Generation.
- (ii) Transmission and Distribution.
- (iii) Planning, Design and Project Construction and Development.
- (iv) Stores and Purchase and Material Management.
- (v) Any other related sub-functions.

He will be responsible for developing guidelines for the execution of the Board's policies on the Engineering functions in consultation with the related functional members.

7. The duties and functions of the Finance Member.—
He will be the Principal Executive of the Finance function in the Board. He will be responsible for achievement of performance objectives in the Finance function. He will coordinate the activities of the following sub-functions :—

- (i) Financial Management & Economic Coordination.
- (ii) Expenditure Accounting.
- (iii) Revenue Accounting.
- (iv) Audit and Inspection.
- (v) Any other related sub-functions.

He will be responsible for developing guidelines for the execution of the Board's policies on the Finance function in consultation with the related functional members.

8. The duties and functions of the Administration Member.—

He will be the Principal Executive of the Administrative functions in the Board. He will be responsible for achievement of performance objectives in the administrative function. He will coordinate the activities of the following sub-functions :—

- (i) Liaison and Public Cooperation.
- (ii) Security and Administrative control.
- (iii) Legal Affairs.
- (iv) Personnel and General Administration.
- (v) Labour and Industrial Relations.
- (vi) Any other related sub-functions.

He will be responsible for developing guidelines for the execution of the Board's policies on the Administrative function in consultation with the related functional members.

9. The duties and functions of Member (Rural Electrification).—

- (i) Rural Electrification.
- (ii) Public & Press relations.
- (iii) Vigilance.
- (iv) Any other related sub-functions.

10. The duties and functions of Member (Economic & Research).—

- (i) Economic/ Commercial/ Technical Research.
- (ii) Commercial tariff and promotion of electric sales.
- (iii) Market study and research regarding purchases and sales of scraps.
- (iv) Viability study and research regarding Rural Electrification.
- (v) Any other related sub-functions.

11. Function of other Members.—The Chairman may, subject to the provisions in the foregoing regulations, distribute the duties and functions between the remaining members of the Board and to that extent the duties and functions of other members may be modified by the Chairman. The relationship of the Chairman with any full-time member who may be appointed will be mutatis-mutandis the same as with the Members referred to in Regulations 6, 7 and 8.

12. If there is a dispute as to whether a particular function or duty belongs to a particular Member, the decision of the Chairman shall be final and binding.

13. The Chairman may bring to the notice of the State Government any difference of opinion, on matters of policy, arising between him and the other members of the Board. He

may also similarly refer any other matter of policy to the State Government and place the directions received from the State Government for the consideration and action by the Board.

14. If there is a difference of opinion between a Member and a Member and between a Member and Chairman, the Member will have the authority to bring it to the notice of the Board.

15. Secretary.—The Secretary will be responsible for properly carrying out the decisions of the Board. He shall also exercise the following powers :—

(i) He will be the Head of the office of the Board's Secretariat.

(ii) To make appointments to sanctioned non-gazetted posts in the office of the Board on such emoluments and in such manner as may be decided by the Board.

(iii) All orders and decisions of the Board and all instruments issued by the Board shall be authenticated under the signature of the Secretary.

(iv) The Secretary shall have the power to execute instruments and other documents for and on behalf of the Board, after the Board has approved the terms and conditions and instruments.

(v) Subject to approval of the Board, the Secretary may delegate any of the above power to any of the officer or officers subordinate to him.

(vi) To exercise any other power delegated by the Board.

16. Matters to be placed before the Board.—

The following matters shall be placed for consideration of the Board and the decision of the Board shall be final unless it

is repugnant to the provisions of any Act, Rules framed thereunder or directives issued by the Government in conformity with the law for the time being in force.

(i) Annual Financial Statements and other statements and reports required to be submitted by the Board to the State Electricity Consultative Council and to the State Government under sections 16 and 61 of the Electricity (Supply) Act, 1948 respectively and the Rules made thereunder (Rules 6-8 of the Bihar State Electricity Board Rules, 1960).

(ii) Proposals which substantially affect the finance of the Board including proposals for re-appropriation of funds and the powers for approval of which are not specifically delegated to a Member or the Chairman.

(iii) At the instance of a Member or Chairman a proposal in which concurrence has been refused by the Finance Member.

(iv) Audit comments on the Annual Accounts, comments on the Appropriation Accounts, Audit Reports of the Accountant General and reports of the Public Accounts Committee. Proposals for revisions of tariff and the terms and conditions of supply of electricity; subject to the delegations made, if any, for such revision.

(v) Proposals for the making or amending of Rules regarding the recruitment and conditions of service of persons appointed by the Board and its subordinate authorities or Rules governing the cadres of service of the Board.

(vi) Proposals for constituting Selection or Recruitment Committees (or both) for different categories of posts of the rank of Executive Engineer and equivalent and above.

(vii) Proposals for creation of all new permanent or temporary posts under the Board.

(viii) Proposals for creation of new offices, viz. Circles, Divisions, Sub-divisions, Sections etc.

(ix) Revision of the sanctioned scale of pay or a post or posts.

(x) Proposals of appointment to posts of Executive Engineer/ Deputy Superintendents of Power Plants, Dy. Controller, Dy. Director of Accounts and any other posts, the starting pay of which is not less than that of any of the aforesaid posts whether by direct recruitment or promotion or by deputation.

Power to make appointment of other officers may be delegated by the Board to the authorities as may be prescribed by the Board from time to time.

(xi) Proposals relating to dismissal, removal or compulsory retirement of officers who have been appointed by the Board.

(xii) Proposals relating to transfers, deputation and posting of officers to the posts of Superintending Engineers and Directors and to any other posts the starting pay of which is not less than that of any of the aforesaid posts.

(xiii) Proposals for grant of special pay.

(xiv) Proposals for grant of extension of service beyond the due date of superannuation to officers appointed by the Board.

(xv) Proposals for grant of lease, or sale of land.

(xvi) Proposals for sanctioning schemes for which no delegation has been made to any officer of the Board under the "Financial Delegations".

- (xvii) Proposals for grant of permission to Board's employees to attend specific conference abroad.
- (xviii) Proposals for the appointments or removal of the Board's Legal Counsel and for terminating or varying the remuneration payable to such Counsel.
- (xix) Proposals for borrowing money before these are submitted to the State Government under Part V of the Bihar State Electricity Board Rules, 1960.
- (xx) Proposals concerning important changes in the administrative system or set-up of the Board.
- (xxi) Proposals which require approval of the Board and the matter which are required to be placed before the Board under the Electricity (Supply) Act, 1948, the Bihar State Electricity Board Rules, 1960 and the Regulations made by the Board, or under any other Statute, or any order or instruction issued by the Board.
- (xxii) Proposals involving any important change of policy or practice.
- (xxiii) Proposals for the appointment of Committees of Enquiry set up by the Board on its own initiative or in pursuance of any directive received from the State Government. Reports of such Committees shall also be placed before the Board.
- (xxiv) Cases required by the Chairman to be brought before the Board.

17. The matters to be placed before the Chairman—
The following matters shall be placed before the Chairman for his decisions :—

- (i) All matters that are required to be placed before the Board, before their inclusion in the Agenda. Cases

raising questions of policy or of administrative importance not covered by the list of cases to be put up before the Board.

- (ii) Cases which affect or are likely to affect the employer-employees relationship in the Board.
- (iii) Proposals which adversely affect the Prospect of and which seek to punish an officer of the Board in which final orders have been passed by a Member of the Board and if the affected employee comes in appeal to the Chairman.
- (iv) Proposals to modify or expunge adverse remarks recorded in the character rolls of officers appointed by the Board, and of the grades and ranks above Assistant Engineer.
- (v) Annual Confidential reports of officers appointed by the Board (and of officers of the same rank on deputation to the Board) and of the rank and grades above the Asstt. Engineers before they are placed in their character rolls. The adverse remarks to such officers shall not be communicated without the prior approval of the Chairman. The adverse remarks in all cases in which the Chairman is not required to record the remarks, may be communicated to the officers concerned with the approval of the Member/Head of the Department concerned.
- (vi) Proposals relating to grant of earned leave to officers of the rank of Superintending Engineer and above.
- (vii) All cases of defalcation, misappropriation or embezzlement of Board's money in which the amount involved exceeds five thousand rupees.

- (viii) Proposals for the institution or withdrawal of suits or cases by the Board subject to existing or future delegations by the Board.
- (ix) Tour Programme of Chief Engineers, Addl. Chief Engineers and Secretary to the Board.
- (x) Inspection notes of Finance Member/Engineer Member/Administration Member/Chief Engineers/Addl. Chief Engineers.
- (xi) Matters requiring approval of the Chairman under the "Financial Delegations" made by the Board or under these Regulations or under any other regulations framed by the Board or under any law for the time being in force.
- (xii) All important developments in the Board.
- (xiii) Cases which the Chairman may call for from time to time.
- (xiv) Any matter which governs the relationship of the Board with the State Government and the Government of India.
- (xv) Proposals for appointment of any committee for recruitment and other personnel matters of the Posts of Asstt. Engineer and equivalent thereto and below.

18. Finance Member to be consulted in Financial matters.—

Subject to delegations made by the Board in this respect, the concurrence of the Finance Member shall be obtained in all matters affecting finances of the Board and in particular :—

- (i) In creation and upgradation of any post or posts.
- (ii) In proposals relating to emoluments and other conditions of service or posts.

- (iii) In proposals involving any grant of land or assignment of revenue or concession, grant, lease or licence or any assessment or privilege in respect of such concession.
- (iv) In budget and reappropriation proposals.
- (v) In proposals involving changes in tariff.
- (vi) In proposals for borrowing and investments.
- (vii) Before sanctioning new schemes.
- (viii) In grant of licence, in proposals involving change in terms and conditions of licence, in proposals for the taking over of any company or corporate body.

Provided that if in any case concurrence of the Finance Member is withheld the matter shall be placed before the Board for decision.

19. The Finance Member may, by general or special order, prescribe cases in which financial assent may be presumed to have been given.

20. The Finance Member may make Rules to govern financial procedure in general.

21. The Finance Member may delegate with the approval of the Board some of his powers, functions and duties to the officers subordinate to him.

22. Administration Member to be consulted in certain matters.—

The Administration Member shall be consulted in all proposals for creation, upgradation, variation in number, grading, and emoluments, concessions, conditions of service of all the posts in the Board. He shall also be consulted in all matters concerning sub-functions placed under his charge in Regulation 8.

23. Except as otherwise provided by other Rules, the Members shall be competent to dispose of finally themselves or under

28. A Member may ask to see the papers in any Department if such papers are required for disposal of a case in his Department or for information.

Provided that no paper under disposal shall be sent to any Member until it has been seen by the Member in charge.

29. All official communications received from the Government of India or State Government other than those of routine or unimportant character shall immediately on receipt be submitted to the Chairman for perusal.

30. Authentication of Instrument :—(i) Without prejudice to the existing Rules on the subject, the instruments carrying the orders and decisions of the Board may be authenticated by the following orders or any other officers specially authorised :—

1. Secretary.
2. Additional Secretary.
3. Joint Secretary.
4. Deputy Secretary.
5. Under Secretary.
6. Assistant Secretary.

(ii) The following may sign and verify all pleadings and plaints, written statements and petitions, tabular statements, applications for execution or otherwise, statements of facts, counter-statements of facts, for and on behalf of the Board. They may also sign, acknowledge and execute warrants, other processes of lawfully issued Vakalatnamas for and on behalf of the Board and any other documents to be filed in a Court :—

1. Secretary.
2. Additional Secretary.
3. Joint Secretary.
4. Deputy Secretary.

their authority the subjects placed under their charge in Regulations 6, 7, 8, 9 and 10 subject to provisions of Regulations 16 and 17 under which certain matters are required to be placed before the Board or the Chairman. If, however, in the opinion of a Member, the matter is sufficiently important or a question of policy is involved he may refer the matter to the Chairman who in turn may direct that the matter be placed before the Board.

A Member may by means of Standing Orders give such direction as he thinks fit for disposal of cases. Copies of such Standing Orders shall be sent to the Chairman.

24. To enable the Members to exercise the powers conferred on them by Regulation 23, the word "Chairman" occurring in any other Rules, Standing Orders, Certified Standing Orders, Circulars and instructions shall include, to the extent necessary, the Member concerned.

DEPARTMENTAL DISPOSAL OF BUSINESS

25. Each Member shall by means of Standing Orders arrange with the officers subordinate to him what matters of classes of matters are to be brought to his personal notice.

26. When the subject matter of a case concerns more than one Member, no order shall be issued nor shall the case be laid before the Board until it has been considered by all the Members concerned unless the case is one of extreme urgency in which case the orders of the Chairman shall be taken before the issue of orders.

27. If the Members concerned are not in agreement regarding the cases dealt with under Regulation 20, the Member concerned may, if he wished to proceed with the cases, direct that the cases be submitted to the Chairman for orders for laying the cases before the Board.

5. Under Secretary.
6. Assistant Secretary.
7. Law Officer.

Affidavits may be sworn by any of the aforesaid officers or any other officer or employee directed by them to do so.

The responsibility for initiating action to file and defend suits, cases, legal proceedings (including arbitration and certificate proceedings under the Public Demands Recovery Act) pertaining to Board's head-quarters lie on the Joint Secretary (Legal), Deputy Secretary (Legal) on reference being made by the Heads of the Department concerned, who will be responsible for promptly furnishing facts and materials necessary for the case.

(iii) Subject to other regulations and rules framed and instructions issued from time to time in this regard the following officers will file suits, cases, legal proceedings (including arbitration and certificate proceedings under Bihar & Orissa Public Demands Recovery Act) arising out of and so far as they relate to their functions and duties. They will also sign all the pleadings, statement of facts, Vakalatnamas, requisition for certificate or any other paper required to be submitted to the Court in connection with the suits, cases and legal proceedings.

1. Chief Engineers.
2. Addl. Chief Engineers.
3. General Superintendents.
4. Project Managers.
5. Superintending Engineers.
6. Executive Engineers.
7. Any officer entrusted with the functions and duties of the aforesaid officers.

Affidavits may be sworn by any of the aforesaid officers or any other officer or employee directed by them to do so. The responsibility for initiating action to file and defend and pursuing cases, suits, legal proceedings including arbitration and certificate proceedings under the B&O Public Demands Recovery Act shall lie on Superintending Engineers and General Superintendents and Additional Chief Engineer (Civil) for cases pertaining to their jurisdiction, who shall, if necessary obtain orders of the competent authority in this regard. The General Superintendent, Superintending Engineers and A.C.E. (Civil) may issue such direction as they may deem it necessary to enable them to discharge their aforesaid responsibility.

These Regulations take immediate effect.

By order of the Bihar State Electricity Board

C. R. Venkatraman

Secretary

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