

# **The National Commission for Minorities (Salaries And Allowances And Conditions of Service of Chairperson And Members) Rules, 1995**

UNION OF INDIA

India

## **The National Commission for Minorities (Salaries And Allowances And Conditions of Service of Chairperson And Members) Rules, 1995**

### **Rule**

### **THE-NATIONAL-COMMISSION-FOR-MINORITIES-SALARIES-AND-ALL of 1995**

- Published on 17 July 1995
- Commenced on 17 July 1995
- [This is the version of this document from 17 July 1995.]
- [Note: The original publication document is not available and this content could not be verified.]

The National Commission for Minorities (Salaries And Allowances And Conditions of Service of Chairperson And Members) Rules, 1995 Published vide Notification Gazette of India G.S.R. 551(E) dated 17th July, 1995

**1808.**

G.S.R. 551(E) dated 17th July, 1995. - In exercise of the powers conferred by Section 15 read with sub-section (5) of section 4 of the National Commission for Minorities Act, 1992 (19 of 1992), the Central Government hereby makes the following rules regulating the salary and allowance payable to and other terms and conditions of service of the chairperson and Members of the National Commission for Minorities namely :-

#### **1. Short title and commencement.**

(1)These rules may be called the National Commission for Minorities (Salaries and Allowances and Conditions of Service of Chairperson and Members) Rules, 1995.(2)They shall come into force on the date of their publication in the Official Gazette.

## **2. Definitions.**

- In these Rules, unless the context otherwise requires :-(a)'Act" means the National Commission for Minorities Act 1992 (19 of 1992);(b)"Chairperson" means the Chairperson of the Commission.(c)The words and expressions used herein but not defined and defined in the Act shall have the meaning assigned to them in the Act.

## **3. Salary and allowances.**

(1)Save as otherwise provided in sub-rule (2), the Chairperson and every Member shall be paid a salary of rupees eight thousand per month.Provided that where the Chairperson or a Member is a retired person from the Central Government or a State Government or Union Territory Administration or semi-Government body or Public Sector Undertaking or a recognised research institution or other autonomous or statutory body, the salary payable together with the pension or pensionary value of the terminable benefits or both received by him shall not exceed eight thousand rupees per month.Provided further that in case a retired judge of Supreme Court or a High Court is appointed as Chairperson or a Member of the Commission, the terms and conditions of service of such Chairperson or Member shall be in accordance with the instructions issued by the Ministry of Finance in respect of appointment of judges to various Commissions and in consultation with that Ministry.(2)If at the time of his appointment to the Commission the Chairperson or a Member is in service of the Central or a State Government or Union Territory Administration, he shall have the Option to receive his salary upon the age of superannuation in accordance with the rules of service applicable to him under the Central or State Government or Union Territory Administration, as the case may be, and thereafter the provisions of these rules shall apply.

## **4. Tenure of office.**

(1)The Chairperson and every Member shall, unless removed from office under sub-section (3) of Section 4 of the Act, hold office for a period not exceeding three years.(2)If the Chairperson is unable to discharge his functions owing to Illness or other incapacity, the Central Government, if so required by the Commission, shall nominate any other Member to act as Chairperson, and the Member so nominated shall hold office of Chairperson until the Chairperson resumes office.(3)If a vacancy occurs in the office of the Chairperson by reason of his death or resignation, the Central Government shall nominate any other Member to act as Chairperson and the Member so nominated shall hold office of Chairperson until the vacancy is filled by a fresh nomination under sub-section (4) of Section 4 of the Act.

## **5. Leave.**

- The Chairperson and every Member shall be entitled to leave as follows :-(a)Earned leave, half pay leave and commuted leave in accordance with the Central Civil Services (Leave) Rules, 1972 as amended from time to time.(b)extraordinary leave as admissible to the temporary Government servants under the Central Civil Service (Leave) Rules 1972 as amended from time to time.(2)Where

a Chairperson or Member retires on attaining the normal age prescribed for retirement under terms and conditions governing his service before his appointment to the Commission he shall be entitled to cash equivalent of leave salary for earned leave, if any, at his credit on the date of retirement, subject to a maximum of 240 days. In case of Chairperson or Member who is re-employed after retirement shall, on termination of his re-employment be entitled to cash equivalent in respect of earned leave at his credit on the date of termination of reemployment subject to a maximum of 240 days including the period which encasement was allowed to him at the time of earlier retirement. Note : Cash equivalent of earned leave shall be computed in accordance with the provisions of CCS (Leave) Rules 1972.

## **6. Leave sanctioning authority.**

- The Chairperson shall be the authority to sanction leave to Member and the Central Government shall be the authority competent to sanction leave to the Chairperson.

## **7. Retirement from parent service on appointment as Chairperson or Member.**

- The Chairperson or a Member who on the date of his appointment to the Commission was in the service of the Central or a State Government or Union Territory Administration shall be deemed to have retired from such service with effect from the date of his appointment as the Chairperson or a Member of the Commission.

## **8. Pension.**

(1) The Chairperson or a Member who, at the time of his appointment as such was in the service of the Central or State Government or Union Territory Administration shall without prejudice to rule 7 at his option to be exercised within a period of six months from the date of his appointment in the Commission or on or before the date of his superannuation, whichever is earlier ..... entitled to draw his pension and other retirement benefits as per the rules applicable to the service to which he belonged with effect from the date of his appointment as Chairperson or Member, as the case may be. (2) If a Chairperson or Member who at the time of his appointment as such was in the service of the Central or State Government or Union Territory Administration does not exercise the option specified in sub rule (1), he shall count his service as Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment. Provided that service as Member shall so count for pension and retirement benefits upto the age of superannuation only under the rules of service to which he belonged.

## **9. Provident Fund.**

(1) The Chairperson or a Member who on the date of his appointment to the Commission as such was in the service of the Central or a State Government or Union Territory Administration and who had been admitted to the benefits of General Provident Fund or Contributory Provident Fund may

at his option, continue to subscribe to that Fund until the date on which he retires according to rules applicable to him in that service. In the case of the Contributory Provident Fund, the employer's contribution payable to that Fund shall, as from the date of the Chairperson or Member's appointment to the Commission, be payable by the Commission during the tenure of appointment as such Chairperson or Member on the basis of the emoluments which he would have drawn in the post he held immediately before appointment. Explanation. - The Chairperson or a Member exercising his option under this sub-rule shall communicate his option in writing to the central Government within six months of his appointment and the option so exercised shall be final. (2) The Chairperson or a Member, including the person who has exercised an option under rule 8(1) or rule 9(1) or under both, shall be entitled to be admitted to the benefits of the Contributory Provident Fund Scheme and for this purpose shall be governed by the Contributory Provident Fund (India) Rules 1962 as amended from time to time: Provided that the Chairperson or Member shall cease to contribute to any other Provident Fund from the date of admission to the Contributory Provident Fund Scheme under this rule.

## **10. Service conditions of Chairperson/Members of special status.**

- Without prejudice to any of the provisions in these Rules, the Central Government may by order, if it is considered necessary, sanction salaries, allowances and other facilities to the Chairperson or a Member in accordance with any special status that may be conferred on the incumbent.

## **11. Residuary provision.**

- The salaries, allowances and conditions of service of the Chairperson and the Members for which no express provision has been made in these Rules will be as those applicable to a Secretary to the Government of India from time to time.