

# **The National Commission For Scheduled Tribes Chairperson, Vice-Chairperson And Members (Conditions For Service And Tenure) Rules, 2004**

UNION OF INDIA

India

## **The National Commission For Scheduled Tribes Chairperson, Vice-Chairperson And Members (Conditions For Service And Tenure) Rules, 2004**

### **Rule**

### **THE-NATIONAL-COMMISSION-FOR-SCHEDULED-TRIBES-CHAIRPERSONS of 2004**

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The National Commission For Scheduled Tribes Chairperson, Vice-Chairperson And Members (Conditions For Service And Tenure) Rules, 2004 Published Vide Notification Gazette of India, Extra, Part 2, Section 3(i), dated 20th February, 2004. G.S.R. 128(E), dated 20th February, 2004. - In exercise of the powers conferred by clause (2) of Article 338-A of the Constitution and in partial supersession of the National Commission for Scheduled Castes and Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Act 1990, insofar as they related to such posts in the Commission with respect to the Scheduled Tribes except the posts relating to the Scheduled Castes), except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules, namely:-

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

(1) These rules may be called the National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions for Service and Tenure) Rules, 2004. (2) They shall come into force on the date of commencement of the Constitution (Eighty-ninth Amendment) Act, 2003.

## **2. Definitions.**

- In these rules, unless the context otherwise requires:-(a)"article" means article of the Constitution;(b)"Chairperson" means the Chairperson of the Commission;(c)"Commission" means the National Commission for Scheduled Tribes established under Article 338-A;(d)"Member" means a Member of the Commission;(e)the expression "Scheduled Tribes" shall have the meaning assigned to it in clause (25) of Article 366;(f)"Vice-Chairperson" means the Vice-Chairperson of the Commission.

## **3. Qualifications.**

(1)The Chairperson, the Vice-Chairperson and the Members shall be appointed from amongst persons of ability, integrity and standing who have had a record of selfless service to the cause of justice for the Scheduled Tribes.(2)Subject to the provisions of sub-rule (1)-(a)the Chairperson shall be appointed from amongst eminent socio-political workers belonging to the Scheduled Tribes, who inspire confidence amongst the Scheduled Tribes by their very personality and record of selfless service;(b)the Vice-Chairperson and other Members out of whom at least two shall be appointed from amongst persons belonging to the Scheduled Tribes;(c)at least one other Member shall be appointed from amongst women.

## **4. Term of Office.**

(1)Save as otherwise provided in these rules, the Chairperson, the Vice-Chairperson and other Members shall hold office for a term of three years from the date on which he/she assumes such office.(2)The Chairperson, the Vice-Chairperson and other Members shall not be eligible for appointment for more than two terms.

## **5. Salaries and allowances.**

(1)The Chairperson shall have the rank of a Cabinet Minister and the Vice-Chairperson that of a Minister of State and other Members shall have the rank of the Secretary to Government of India unless otherwise specified.(2)The Chairperson, the Vice-Chairperson and other Members shall be entitled to such salaries and allowances as are admissible to a Secretary to the Government of India:Provided that the Chairperson shall also be entitled to a rent free accommodation.(3)Notwithstanding anything contained in sub-rules (1) and (2), if the Chairperson, Vice-Chairperson or any other Member is a Member of Parliament, or a State Legislature he/she shall not be entitled to any remuneration other than the allowances, defined in clause (a) of Section 2 of the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959) or as the case may be, other than the allowances, if any, which a Member of the Legislature of the State may, under any law for the time being in force in the State relating to the prevention of disqualification for membership of the State Legislature receive without incurring such disqualification.

## **6. Arrangement in case of permanent or temporary vacancies.**

(1) If the office of the Chairperson becomes vacant or if the Chairperson is for any reason absent or unable to discharge the duties of his office, those duties shall, until the new Chairperson assumes office or the existing Chairperson resumes his office, as the case may be, be discharged by the Vice-Chairperson. (3) If the office of the Vice-Chairperson becomes vacant or if the Vice-Chairperson is for any reason absent or unable to discharge the duties of his office, those duties shall, until the new Vice-Chairperson assumes office or the existing Vice-Chairperson resumes his office, be discharged by such other Member as the President may direct.

## **7. Special provision for retired persons appointed as Chairperson, Vice-Chairperson and other Members.**

- Where any person, being a retired Judge of the Supreme Court or of a High Court or a retired government servant or retired servant of any other institution or autonomous body and in receipt of a pension in respect of any previous service, is appointed as the Chairperson, the Vice-Chairperson or a Member, the salary admissible to him under these rules shall be reduced by the amount of that pension and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of that portion of the pension.

## **8. Resignation and Removal.**

(1) The Chairperson, Vice-Chairperson and any other Member, by notice in writing under his hand addressed to the President, resign his post. (2) (a) The Chairperson shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has on inquiry held in accordance with the procedure prescribed in sub-clause (j) of clause (1) of Article 145 of the Constitution, reported that the Chairperson ought on any such ground to be removed. (b) The President may suspend from office the Chairperson in respect of whom a reference has been made to the Supreme Court under this sub-rule until the President has passed orders on receipt of the report of the Supreme Court on such reference. (c) Notwithstanding anything in clause (a) the President may by order remove from office the Chairperson if the Chairperson, - (i) is adjudged as an insolvent; or (ii) engaged during his term of office in any paid employment outside the duties of his office; or (iii) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body: Provided that the Chairperson shall not be removed under this clause until he has been given a reasonable opportunity of being heard in the matter. (d) If the Chairperson is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of clause (a) be deemed to be guilty of misbehaviour. (3) The President shall remove a person from the office of Vice-Chairperson or Member if that person - (a) becomes an undischarged insolvent, (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude, (c) is in

the opinion of the President, unfit to continue in office by reason of infirmity of mind or body,(d)refuses to act or becomes incapable of acting,(e)is without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or(f)in the opinion of the President has so abused the position of Vice-Chairperson or Member as to render that persons' continuance in office detrimental to the interest of the Scheduled Tribes:Provided that no person shall be removed under this clause until he has been given a reasonable opportunity of being heard in the matter.