

# **Insolvency and Bankruptcy Board of India (Salary, Allowances and other Terms and Conditions of Service of Chairperson and members) Rules, 2016**

UNION OF INDIA

India

## **Insolvency and Bankruptcy Board of India (Salary, Allowances and other Terms and Conditions of Service of Chairperson and members) Rules, 2016**

### **Rule**

### **INSOLVENCY-AND-BANKRUPTCY-BOARD-OF-INDIA-SALARY-ALLOWANCES-AND-OTHER-TERMS-AND-CONDITIONS-OF-SERVICE-OF-CHAIRPERSON-AND-MEMBERS-RULES-2016**

- Published on 29 August 2016
- Commenced on 29 August 2016
- [This is the version of this document from 29 August 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Insolvency and Bankruptcy Board of India (Salary, Allowances and other Terms and Conditions of Service of Chairperson and members) Rules, 2016Published vide Notification No. G.S.R. 831(E), 29th August, 2016Last Updated 16th January, 2020Ministry of Corporate AffairsG.S.R. 831(E). - In exercise of the powers conferred in clause (zd) of the sub-section (2) of section 239 read with sub-section (5) of section 189 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), the Central Government hereby makes the following rules, namely:-

### **1. Short title and Commencement.**

(1)These rules may be called the Insolvency and Bankruptcy Board of India (Salary, Allowances and other Terms and Conditions of Service of Chairperson and members) Rules, 2016.(2)They shall come into force on the date of publication of this notification in the Official Gazette.

### **2. Definitions.**

(1)In these rules, unless the context otherwise requires-(a)"Code" means the Insolvency and Bankruptcy Code, 2016;(b)"Board" means the Insolvency and Bankruptcy Board of India established under sub-section (1) of section 3 of the Code;(c)"Chairperson" means the Chairperson of the Board appointed under clause (a) of sub-section (1) of section 189 of the Code;(d)"whole-time

member" means the member of the Board appointed under clause (d) of sub-section (1) of section 189 of the Code;(2)Words and expressions used in these rules and not defined, but defined in the Code shall have the meanings respectively assigned to them in the Code.

### **3. Terms and conditions of service of Chairperson and members.**

(1)The Chairperson and the whole-time member shall be a person who shall not have any financial or other interests as are likely to affect prejudicially his functions as such Chairperson or member.[\*\*\*] [Omitted by '(2) The Chairperson and whole-time member appointed to fill-up a causal vacancy shall hold office for the remainder period of the term of the Chairperson or, as the case may be, whole-time member in whose place he is appointed.' Notification No. G.S.R. 378(E), dated 21.5.2019 (w.e.f. 29.8.2016).](3)The Chairperson and whole-time member shall not accept any employment before the expiry of a period of one year from the date of demitting the office in the Board, except with the previous sanction of the Central Government.

### **4. Pay.**

(1)The Chairperson shall have an option to receive pay as admissible to a Secretary to the Government of India or a consolidated salary of Rs 4,50,000 per month.(2)Every whole-time member shall have an option to receive pay as admissible to an Additional Secretary to the Government of India or a consolidated salary of Rs [4,00,000/-] [Substituted '3,75,000' by Notification No. G.S.R. 153(E), dated 9.2.2018 (w.e.f. 29.8.2016)] per month.(3)In the case of an appointment of a person as the Chairperson or a whole-time member shall have an option to receive pay as admissible to a Secretary or Additional Secretary to the Government of India respectively, who has retired from service under the Central Government or the State Government and who is in receipt of, or has received, or has become entitled to receive any retirement benefits by way of pension, gratuity, employer's contribution to the Contributory Provident Fund or other Funds or retirement benefits, the pay and allowances of such Chairperson or member, as the case may be, shall be reduced by gross amount of pension and pension equivalent of gratuity or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any, drawn or to be drawn by him.

### **5. Dearness Allowance.**

- The Chairperson and a whole-time member who has opted pay as admissible to a Secretary or an Additional Secretary to the Government of India respectively shall receive dearness allowance at the rates admissible to a Group 'A' Officer of the Central Government of equivalent rank.

### **6. Entertainment Allowance.**

- The Chairperson and a whole-time member shall be entitled to entertainment allowance subject to a maximum of Rs. 6,000 per annum.

## **7. Leave.**

- The Chairperson and a whole-time member shall be entitled to a leave as follows:-(1)Earned Leave at the rate of thirty days for every completed calendar year of service:Provided that the leave account shall be credited with earned leave in advance in two installments of fifteen days each from the first day of January and first day of July of every calendar year:Provided further that the earned leave at the credit at the close of previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus credited for half year do not exceed three hundred days.(2)Half Pay Leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service to be credited in advance in two installments of ten days each on first day of January and first day of July of every calendar year and leave salary for half pay leave shall be equivalent to half of the leave salary admissible during he earned leave;(3)Leave on Half Pay may be commuted to full pay leave at the discretion of the Chairperson or a wholetime member, if it is taken on medical grounds and is supported by a Medical Certificate by a competent medical authority;(4)Casual Leave at the rate of eight days in a calendar year;(5)Restricted holidays at the rate of two days in a calendar year availing to their choice;(6)Extra-ordinary leave without pay and allowances up to a maximum period of one hundred and eighty days in one term of office ; and(7)Extra-ordinary leave without pay and allowances in a calendar year out of the holidays notified by the Central Government.

## **8. Leave Sanctioning Authority.**

- The Chairperson shall be the authority competent to sanction leave to a wholetime member and the President of India shall be the authority competent to sanction leave to the Chairperson.

## **9. [ Provident Fund and Pension. [Substituted by Notification No. G.S.R. 41(E), dated 18.1.2019 (w.e.f. 29.8.2016).]**

- The Chairperson and whole-time members shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962 and the Contribution Pension System.]

## **10. Travelling Allowance.**

(1)The Chairperson, while on tour or on transfer (including the journey undertaken to join the Board or on the expiry of his term with the Board proceeds to his home town) shall be entitled to the travelling allowances, daily allowances, transportation of personal effects and other similar matters at the same scale and at the same rate as are prescribed for a Secretary to the Government of India.(2)A whole-time member while on tour or on transfer (including the journey undertaken to join the Board or on the expiry of his term with the Board proceeds to his home town) shall be entitled to the travelling allowances, daily allowances, transportation of personal effects and other similar matters at the same scale and at the same rates as are prescribed for Group 'A' officer of equivalent rank of the Central Government.

## **11. Leave Travel Concession.**

(1)The Chairperson shall be entitled to Leave Travel Concession at the same rates and at the same scales as are applicable to a Secretary to the Government of India.(2)A whole-time member shall be entitled to Leave Travel Concession at the same rates and at the same scales as are applicable to a Group 'A' officer of the equivalent rank of the Central Government.(3)Other conditions relating to Leave Travel Concession shall be governed by the rules relating to Group 'A' officers of the same rank of the Central Government.

## **12. Accommodation.**

(1)The Chairperson and a whole-time member shall be entitled to rent free unfurnished house and the Board shall approve the type of accommodation, purchase price or rent of the house to be used for residence by the Chairperson or a whole-time member.(2)Charges for water, electricity and fuel consumed in the house shall be borne by the occupant of the house.(3)Where the Chairperson or a whole-time member occupies his own accommodation or makes private arrangements, he shall be entitled to a compensation comprising of ten per cent of his Basic Pay and House Rent Allowance as admissible to a Group 'A' officer of the Government of India.(4)Nothing in this rule shall apply to the Chairperson and a whole-time member who has opted a consolidated salary of Rs. 4,50,000/- per month or [4,00,000/-] [Substituted '3,75,000' by Notification No. G.S.R. 153(E), dated 9.2.2018 (w.e.f. 29.8.2016)] respectively.

## **13. Conveyance.**

(1)The Chairperson and a whole-time member shall be entitled to a staff car of the Board for official purpose.(2)No passenger vehicle shall be purchased by the Board and requirement of vehicles shall be met by hiring.(3)Nothing in this rule shall apply to the Chairperson and a whole-time member who has opted a consolidated salary of Rs. 4,50,000/-per month or [4,00,000/-] [Substituted '3,75,000' by Notification No. G.S.R. 153(E), dated 9.2.2018 (w.e.f. 29.8.2016)] respectively.

## **14. Bonus.**

- The Chairperson and a whole-time member shall not be entitled to any bonus.

## **15. Sitting Fees and Board's Meetings.**

- The Chairperson and a whole time member shall not be entitled to any sitting fees for attending meetings of the Board.

## **16. Encashment of Leave.**

- The Chairperson or a whole time member shall be entitled to the encashment of leave in accordance with the rules applicable to Group 'A' officers of the Central Government, subject to a

maximum encashment of three hundred days, including the leave encashed before superannuation.

## **17. Facilities for medical treatment.**

- The Chairperson and a whole-time member shall be covered under the Health Scheme as may be prescribed by the Central Government.

## **18. Residuary Provisions.**

- Matters relating to the conditions of service of the Chairperson and a whole-time member with respect to which no express provision has been made in these rules shall be referred in each case, to the Central Government for its decision and the decision of the Central Government thereon shall be final.

## **19. Terms and Conditions of Services of Part-time Members.**

(1) A part-time member shall be a person who shall not have any such financial or other interest as is likely to affect prejudicially his functions as a part-time member. (2) [The term of office of part-time members shall be five years or till they attain the age of 65 years, whichever is earlier, and they shall be eligible for reappointment] [Substituted by Notification No. G.S.R. 31(E), dated 9.1.2020 (w.e.f. 29.8.2016).]. [\*\*\*] [Omitted '(3) A part-time member appointed to fill up a casual vacancy, shall hold office for the remainder period of the term of whole-time or part-time member in whose place he is appointed' by Notification No. G.S.R. 31(E), dated 9.1.2020 (w.e.f. 29.8.2016).].

## **20. Fee and Allowances of Part-time Members.**

(1) A part-time member shall be entitled to receive remuneration by way of a fee of rupees [six thousand] [Substituted 'one thousand' by Notification No. G.S.R. 1083(E), dated 2.11.2018 (w.e.f. 29.8.2016).] only for each meeting of the Board attended by him. (2) A part-time member while on tour (including the journey undertaken to attend a meeting of the Board) shall also be entitled to travelling allowance and daily allowances at the same rates and scale as are applicable to an Additional Secretary to the Government of India.

## **21. Power to Relax.**

- The Central Government shall have power to relax the provisions of any of these rules with respect to any class or category of person.