

The Review Committee (Qualifications For Appointment And Other Conditions Of Service Of The Chairperson And Members) Rules, 2002

UNION OF INDIA

India

The Review Committee (Qualifications For Appointment And Other Conditions Of Service Of The Chairperson And Members) Rules, 2002

Rule

THE-REVIEW-COMMITTEE-QUALIFICATIONS-FOR-APPOINTMENT-AND-OTHER-CONDITIONS-OF-SERVICE-OF-THE-CHAIRPERSON-AND-MEMBERS) RULES, 2002

- Published on 9 January 2002
- Commenced on 9 January 2002
- [This is the version of this document from 9 January 2002.]
- [Note: The original publication document is not available and this content could not be verified.]

The Review Committee (Qualifications For Appointment And Other Conditions Of Service Of The Chairperson And Members) Rules, 2002 Published vide G.S.R. 35(E), dated 9.1.2002, published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 16.1.2002.

20.

/909In exercise of the powers conferred by sub-section (1) read with clause (i) of sub-section (2) of section 62 of the Prevention of Terrorism (Second) Ordinance, 2001 [(Ordinance 12 of 2001)] [Now see the prevention of Terrorism Act, 2002 (15 of 2002).], the Central Government hereby makes the following rules regulating the conditions of service of the Chairperson and members of the Review Committee, namely:-

1. Short title and commencement .-(1) These rules may be called The Review Committee (Qualifications for Appointment and Other Conditions of Service of the Chairperson and Members) Rules, 2002.

(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)"Chairperson" means the Chairperson of the Review Committee constituted under sub-section (1) of section 60 of the Ordinance;(b)"member" means the member of the Review Committee constituted under sub-section (1) of section 60 of the [Ordinance];(c)"Ordinance" means the Prevention of Terrorism (Second) Ordinance, 2001 (12 of 2001);(d)all other words and expressions used in these rules but not defined in these rules and defined in the [Ordinance] [Now see the prevention of Terrorism Act, 2002 (15 of 2002).] shall have the meanings respectively assigned to them in the [Ordinance] [Now see the prevention of Terrorism Act, 2002 (15 of 2002).].

3. Constitution .-The Review Committee constituted by the Central Government or, as the case may be, the State Government shall consist of Chairperson and such other members not exceeding three.

4. Qualifications for appointment .-(1) The Central Government or, as the case may be, the State Government may, by notification in the Official Gazette, appoint a person as the Chairperson of the Review Committee possessing the qualifications as specified in sub-rule (2) of this rule.

(2)A Chairperson of the Committee shall be a person who is, or has been, a Judge of High Court, who shall be appointed by the Central Government, or as the case may be, the State Government, so however, that the concurrence of the Chief Justice of the High Court shall be obtained in the case of a sitting Judge:Provided that in the case of a Union territory, the appointment of a person who is a Judge of the High Court of a State shall be made as Chairperson with the concurrence of the Chief Justice of the concerned High Court.(3)The Central Government or, as the case may be, the State Government, may by notification in the Official Gazette, appoint a person as a member of the Review Committee who is, or has been an officer not below the rank of a Secretary to the concerned Government or of an equivalent rank.

5. Salary and allowances of Chairperson and other members .-(1) The Chairperson of the Review Committee shall be entitled to a monthly salary and allowances at the same rate as is admissible to a Judge of a High Court.

(2)The Chairperson of the Review Committee shall be entitled to a rent free accommodation.(3)A member of the Review Committee shall continue to draw such pay and allowances and other facilities as is admissible to the Secretary to the concerned Government.[* * *][5A. Fee or allowances or Chairperson and members on appointment after retirement - Where a person, who has been a Judge of a High Court is appoint as Chairperson or a person retired from service is appointed as a member of a Review Committee constituted by the Central Government or, as the case may be, the State Government, he shall be entitled to such fee or allowances on part-time or sitting or per case basis, as may be specified by the Central Government or as the case may be the State Government from time to time.] [Inserted by Notification No. G.S.R. 352(E), dated 13.5.2002 (w.e.f. 16.1.2002)]

6. Term of office .-The Chairperson and every member shall hold office for a term of two years from the date on which he assumes office:

Provided that the term of office of the member shall be co-terminus with his tenure with the Central Government or, as the case may be, the State Government.

7. Resignation and removal .-(1) The Chairperson or any member may, by notice in writing under his hand addressed to President, resign his post.

(2)The President may, by order, remove a person from the office of the Chairperson or member if that person-(i)is adjudged an insolvent; or(ii)[is engaged during his term of office in any paid or honorary employment which is not inconsonance with the duties case on him, as Chairperson or, as the case may be, member of the Review Committee constituted under the Act, or](iii)is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or(iv)gets convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude; or(v)refuses to act or becomes incapable of acting:Provided that the Chairperson or any member shall not be removed under this sub-rule until he has been given a reasonable opportunity of being heard in the matter.

8. Residuary provisions .-The matters relating to the conditions of service of the Chairperson or other members of the Review Committee with respect to which no express provision has been made in these rules shall be referred in each case to the Central Government or, as the case may be, the State Government for decision and the decision of the concerned Government thereon shall be binding on the Review Committee constituted by that Government.