

रजिस्ट्रेशन सं. डी. एल. - 33004/96

REGN. NO. D. L. - 33004/96


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II - खण्ड 3 - उप-खण्ड (i)

PART II - Section 3 - Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

[सं 75] नई दिल्ली, मंगलवार, फरवरी 20, 1996/फाल्गुन 1, 1917

[No. 75] NEW DELHI, TUESDAY, FEBRUARY 20, 1996/PHALGUAN 1, 1917

MINISTRY OF WELFARE

New Delhi, the 13th February, 1996

G.S.R. 100(E).-In exercise of the powers conferred by sub section (2) (a) of Section 17 of National Commission for Backward Classes Act, 1993 (27 of 1993) the Central Government hereby makes the following rules, namely :-

1. Short title and commencement.-

1. These Rules may be called the National Commission for Backward Classes (Salaries and Allowances and other conditions of Service of Chairperson and Members) Rules, 1996.
2. (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 Backward Classes Act, 1993 (27 of 1993);
- (b) "Commission" means the National Commission for Backward Classes.
- (c) "Chairperson" means the Chairperson of the Commission nominated under Sub-Section (2) (a) Section 3 of the Act.
- (d) "Member" means a Member of the Commission and includes the Chairperson.
- (e) The words and expressions used herein but not defined shall have the same meaning assigned to them in the Act.

3. Salaries and allowances.- (1) The Chairperson shall be entitled to such pay as admissible to a judge of the Supreme Court or a High Court depending upon the office earlier held by such Chairperson.

(2) Every Member other than the Chairperson shall be entitled to such pay as are admissible to a Secretary to the Government of India.

4. Rank and status.-The Chairperson shall have the rank of a judge of the Supreme Court or of a High Court as relevant to his case depending upon the office earlier held by him. The other Members shall have the status of a Secretary to the Government of India.

5. Sumptuary allowance.-The Chairperson shall be entitled to a sumptuary allowance as per the entitlement of sitting judge of a High Court as revised from time to time.

6. Retirement from parent service on appointment as Member.—The Members who on the date of his appointment to the Commission was in the service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as Member of the Commission.

7. 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 Services (Leave) Rules, 1972 as amended from time to time.

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, shall at his option to be exercised within a period of six months from the date of his appointment or till he attains the age of superannuation, whichever is earlier, be 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) provided that, in such an event, his pay as Chairperson or Member shall be reduced by an amount equivalent to the gross pension including any portion of the pension which may have been commuted and the pension equivalent of other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately

(2) The Chairperson or a Member, who at the time of his appointment as such was in the service of the Central or State Governments, if he does not exercise the option specified in Sub-rule (1), shall count his service as Chairperson or Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

(3) No pension shall be payable to the Chairperson or a Member who immediately before assuming office as the Chairperson or a Member, was not in any service of the Central or State Government.

9. Provident Fund.-The Chairperson or a Member who on the date of his appointment to the Commission was in the service of the Central or State Government and who had been admitted to the benefits of General Provident Fund or Contributory Provident Fund, may continue to subscribe to that Fund until the date on which he retires according to rules applicable to him in his service. In the

case of the Contributory Provident Fund, the employers' 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 on the basis of the emoluments which he would have drawn in the post he held immediately before appointment.

Explanation:- 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 option so exercised shall be final.

(2) The Chairperson or a Member who, at the time of his appointment as such Member, -

- i. was in service of the Central or State Government and had opted to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged prior to such appointment; or
- ii. had retired from service under the Central or State Government a local body or other authority wholly or substantially owned or controlled by the Government, or
- iii. was not in the service of the Central or State Government or a local body or any other authority wholly or substantially owned by the Government.

shall be entitled to be admitted to the benefit 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.

10. Residuary Provision.-(1) The conditions of service of the Chairperson for which no express provision has been made in these rules shall be :-

- a. In the case of sitting judge of the Supreme Court or a High Court appointed as Chairperson, the same as admissible to a sitting judge of the Supreme Court or a High Court, as the case may be; and
- b. In the case of a retired judge of the Supreme Court or a High Court appointed as Chairperson the same as those admissible under the Government's instructions relating to fixation of pay and other terms admissible to retired judges on their appointment to Commissions/Committees of Enquiry as amended from time to time.
- c. (2) The conditions of service of the Members for which no express provision has been made in these rules shall be as those applicable to a Secretary to the Government of India from time to time.

[No. 12011/62/93-BCC]

DR. M. S. AHMED, Jt. Secy.

Printed by the Manager, Govt. of India Press, Ring Road, Maya Puri, New Delhi-110064 and
Published by the Controller of Publications, Delhi-110054, 1996