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## EXTRA ORDINARY

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#### NOTIFICATION

**No.B.13017/1/2009-P&AR (GSW), the 9<sup>th</sup> January, 2013.** In exercise of the powers conferred by section 27(1) read with section 16(2) and (5)(b) of the Right to Information Act, 2005 (No. 22 of 2005), the Governor of Mizoram is pleased to make the following Rules, namely :-

#### CHAPTER I PRELIMINARY

1. Short title and Commencement :
  - (1) These rules may be called, "The State Information Commissioner, Mizoram (Terms and Conditions of Service) Rules, 2012".
  - (2) They shall come into force from the date of their publication in the Mizoram Gazette.
2. Definitions :

In this rules, unless the context otherwise requires –

  - (a) Information Commissioner means the State Information Commissioner, Mizoram appointed under sub-section (3) of Section 15 of the RTI Act, 2005.
  - (b) Chief Secretary means the Chief Secretary of Mizoram appointed by the Government from time to time.

#### CHAPTER II STATUS OF THE STATE INFORMATION COMMISSIONER, MIZORAM

3. Section 16(5)(b) of the RTI Act, 2005 provides, "*the salaries and allowances payable to and other terms and conditions of service of the State Information Commissioner shall be the same as that of the Chief Secretary of the State Government*".

Accordingly, the status of the State Information Commissioner, Mizoram shall be the same as that of the Chief Secretary of the Government of Mizoram.

#### CHAPTER III TERMS OF OFFICE

4. (1) As provided under Section 16(2) of the RTI Act, 2005 the State Information Commissioner, Mizoram shall hold office for a term of 5(five) years from the date on which he enters upon his office

or till he attains the age of 65 years whichever is earlier and shall not be eligible for reappointment as such State Information Commissioner. He shall, on vacating his office, be eligible for appointment as the State Chief Information Commissioner in the manner *specified in sub-section (3) of Section 15 of the RTI Act, 2005.*

(2) The State Information Commissioner, Mizoram shall, before he enters upon his office, make and subscribe before the Governor of Mizoram or some other person appointed by him in that behalf, **an oath or affirmation** according to the form set out for the purpose in the First Schedule to the RTI Act, 2005.

*[Section 16(3) of the RTI Act, 2005 ]*

(3) (i) The State Information Commissioner, Mizoram may, at any time, by writing under his hand addressed to the Governor of Mizoram, **resign** from his office.

*[Section 16(4) of the RTI Act, 2005]*

(ii) The State Information Commissioner, Mizoram may be **removed** in the manner specified under Section 17 of the RTI Act, 2005.

*[Provision of Section 16(4) of the RTI Act, 2005]*

#### CHAPTER IV SALARIES & ALLOWANCES

5. (a) **SALARY:** Section 16(5)(b) of the RTI Act, 2005 indicated that the *Salaries and allowances payable to and other terms and conditions of service of the State Information Commissioner shall be the same as that of the Chief Secretary to the State.*

**Accordingly, there shall be paid to the State Information Commissioner, Mizoram by way of salary, Rs.80,000/- ( Rupees eighty thousand ) per month as amended from time to time,** which is equivalent with the salary of the Chief Secretary to the Government of Mizoram.

Provided that if the **State Information Commissioner, Mizoram** at the time of appointment is in receipt of a pension, (other than a disability or wound pension) in respect of any previous service under the Government of India or under the Government of a State or any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government Company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Mizoram Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits.

Provided further that the salaries, allowances and other conditions or service of the State Information Commissioner, Mizoram shall not be varied to his disadvantage after his appointment.

*[Section 16(5)(b) & Proviso to Section 16(5) of the RTI Act, 2005]*

(b) **DEARNESS ALLOWANCE :** There shall be paid to the State Information Commissioner, Mizoram by way of Dearness Allowance, which is equal to the percentage of Dearness Allowances released by the Government of India from time to time and which shall be computed from the amount of salary immediately before reduction of the pension amount.

(c) **HOUSE RENT ALLOWANCE :** Where, for any reason, the Mizoram Information Commissioner does not avail himself of the use of an official residence, he shall be paid every month an allowance equivalent to an amount of 10 % of his pay as HRA which is at par entitlement of the Chief Secretary of Mizoram.

**(d) SPECIAL ALLOWANCE** : There shall be paid to the State Information Commissioner, Mizoram by way of Special Allowance of Rs.500/- P.M. which will be revised by the Government from time to time.

## **CHAPTER V LEAVE**

6. (1) The State Information Commissioner, Mizoram may be granted Earned Leave, Half Pay Leave, Commuted Leave on Medical Ground and Extraordinary Leave.
- (2) The admissibility of leave as specified in sub-rule (1) above shall be regulated as per the provisions of the Central Civil Service (Leave) Rules, 1972 as applicable to the Government of Mizoram.
- (3) The power to grant or refuse leave to the State Information Commissioner, Mizoram and to revoke or curtail the leave granted to him shall vest in the Governor of Mizoram.
- (4) The State Information Commissioner, Mizoram shall, on his demitting office except by resignation, shall be entitled to claim **Encashment of Earned Leave** in respect of the earned leave at his credit subject to a maximum period prescribed for encashment of such leave under the Central Civil Service (Leave) Rules, 1972 as applicable to the Government of Mizoram.
- (5) In case the State Information Commissioner, Mizoram demits office by resignation, he is **entitled to encashment of leave** at his credit on the date of cessation of service to the extent of half of such leave at his credit subject to half of the maximum period stated above.

Provided that the encashment of Earned Leave, if any already availed before joining the Commission and the period of earned leave being encashed in the Commission together shall in no case exceed the maximum period as stipulated under the Central Civil Service (Leave) Rules, 1972 as applicable to the Government of Mizoram.

Provided further that the overall limit for encashment of leave including both earned leave and half pay leave shall not exceed 300 days. To make up for the shortfall in earned leave, no commutation of half pay leave shall be admissible.

*[ Terms and Conditions of the (Central) Chief Information  
Commissioner and (Central) Information Commissioner ]*

## **CHAPTER VI TRAVELLING ALLOWANCE AND LEAVE TRAVEL CONCESSION**

7. (1) The State Information Commissioner, Mizoram, on the date of his appointment, was in the service of the Government of India or of a State, a local body, or any other body wholly or substantially owned or controlled by the Government, shall for his journey to join his appointment as such, draw travelling allowances as on transfer as per Rules applicable to him in his previous service.
- (2) The State Information Commissioner, Mizoram who, on the date of his first appointment, is not in the service of the Government of India or any State Government, a local body or any other body wholly or substantially owned or controlled by the Government, shall be entitled to travelling allowances as on transfer as admissible to the Chief Secretary of Mizoram from the station of his normal stay.

(3) The State Information Commissioner, Mizoram, while travelling on duty or on tour shall be entitled to travelling and daily allowances at the rate admissible to the Chief Secretary of Mizoram. Daily Allowance so admissible shall be regulated as follows :-

(i)	Absence not exceeding 6 hours	-	NIL
(ii)	Absence exceeding 6 hours but not exceeding 12 hours	-	70 %
(iii)	Absence exceeding 12 hours	-	100%

(4) The family of the State Information Commissioner, Mizoram who dies in service, may travel from the headquarters to the Home Town, or to any other selected place of residence where the family wishes to settle down.

(5) The State Information Commissioner, Mizoram on vacating his office shall be entitled to Travelling Allowance as on transfer as admissible to the Chief Secretary of Mizoram from the station of his duty to the station of his normal stay/home town.

Provided that no such travelling allowance shall be admissible to the State Information Commissioner, Mizoram if he has been removed from office.

(6) The State Information Commissioner, Mizoram, who has been completed one year of service with the Commission shall be eligible for **Leave Travel Concession** for himself and his family to Home Town or anywhere in India as per Leave Travel Concession orders on the subject as applicable to the Chief Secretary of Mizoram.

#### **CHAPTER VII MEDICAL FACILITIES**

8. (1) In terms of Section 16(5) of the RTI Act, 2005, the State Information Commissioner shall be the same as that of the Chief Secretary to the State Government. Accordingly, the Mizoram Information Commissioner and the dependent members of his families shall be entitled to such facilities for medical treatment and for accommodation in hospitals as admissible for the Chief Secretary of Mizoram from time to time.

Provided that the expenses shall be reimbursed on prescription of Government Doctors/Hospitals or Recognized Private Practitioners/Private Hospitals.

(2) In accordance with Section 16(5) of the RTI Act, 2005, every retired State Information Commissioner, Mizoram shall be entitled for himself and his family to the same facilities as respects medical treatment and on the same conditions as a retired officer of the Central Civil Services Class-I and his family are entitled under any rules or orders of the Central Government for the time being in force.

#### **CHAPTER VIII OTHER FACILITIES**

9. (1) **CONVEYANCE FACILITIES** : As applicable to the Mizoram Chief Information Commissioner, the State Information Commissioner, Mizoram shall be entitled to a staff car and 200 litres fuel per month or the actual consumption of fuel whichever is less.

(2) **GENERAL PROVIDENT FUND** : The State Information Commissioner, Mizoram shall be eligible to contribute to General Provident Fund under normal rules at his request, provided that the State Information Commissioner, Mizoram is expected to serve in the Commission for a period exceeding one year.

(3) **MOTOR CAR ADVANCE** : An advance for purchase of a Motor Car to State Information Commissioner, Mizoram will be regulated by the appropriate rules for the time being in force applicable to Mizoram State Government Officer drawing comparable pay.

### **CHAPTER IX PENSION**

10. (1) The State Information Commissioner, Mizoram who, at the date of his appointment, was in the service of the Government of India or of State, a local body, or any other body wholly or substantially owned or controlled by the Government his subsequent services in the Mizoram Information Commission shall be reckoned as continuing approved service counting as qualifying services for the purpose of calculating pension in service to which he belonged.

(2) Except where the State Information Commissioner, Mizoram demits office by resignation, he shall be deemed to have demitted his office if, and only if-

- (a) He has completed the office term of 5 (five) years specified in sub-section (2) of section 16 of the RTI Act, 2005, or
- (b) He has attained the age of 65 years, or
- (c) His demission of office is certified by the State Medical Board that it is necessitated by ill-health.

(3) When the State Information Commissioner, Mizoram demits office, whether in any manner specified above, he shall on such demission be entitled to-

- (a) The pension to which he is entitled under the ordinary rules of his service if he had not been appointed as the State Information Commissioner, Mizoram his services as the State Information Commissioner, Mizoram being treated as service therein for the purpose of calculating that pension,
- (b) A special additional pension of Rs. 8000/- per annum in respect of each completed year of service for pension in the Commission,

Provided that the pension under Clause (a) and (b) above shall in no case exceed Rs. 5,40,000/- per annum or as amended from time to time.

(4) When the services for pension is rendered by a person partly as State Information Commissioner, Mizoram and partly as Mizoram Chief Information Commissioner, the pension admissible to such person in each such term shall be calculated separately subject to the condition that the aggregate pension shall not exceed the pension admissible to the Mizoram Chief Information Commissioner.

(5) The duration of service of a person as State Information Commissioner, Mizoram shall be computed in terms of completed years, but if the service rendered is six months or more, additional benefit of half year's pension may be allowed.

### **CHAPTER X GRATUITY**

11. (A) As per Rule 50 of the CCS (Pension) Rules, 1972 Gratuity is admissible for the employees working under Central Government and State Government including All India Service Officers. **Accordingly, the State Information Commissioner, Mizoram shall be admissible gratuity subject to the following conditions -**

(1) The minimum qualifying service for the purpose of entitlement to the gratuity shall be **two years and six months;**

(2) The amount of gratuity shall be calculated on the basis of **ten days salary** for each completed six month period of service as State Information Commissioner, Mizoram.

(B) If the State Information Commissioner, Mizoram dies while in service, the death gratuity shall be paid to his family at the rates given in the Table below, namely :-

<b>Length of Service</b>	<b>Rate of Death Gratuity</b>	<b>Remarks</b>
1.	2.	3.
(i) Less than 1 year	2 times of emoluments.	
(ii) One year or more but less than 5 years	6 times of emoluments.	
(iii) 5 years or more	Half of emoluments for every completed six-monthly period of qualifying service subject to a maximum of 33 times emoluments or Rs.10.00 lakhs.	

#### **CHAPTER XI MISCELLANEOUS**

12. (1) If any doubt arises about the interpretation of any of these rules, the interpretation of the Governor of Mizoram shall be final.
- (2) Where the Governor is satisfied that the operation of these rules causes undue hardship in any particular case, he may by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner.

By order etc.

Sd/-

**(CHETAN B. SANGHI)**

Commissioner & Secretary to the Govt. of Mizoram.







