TERMS AND CONDITIONS OF STATE CHIEF INFORMATION COMMISSIONER

GOVERNMENT OF MAHARASHTRA
- General Administration Department
Government Resolution No. SIC-2006/1322/C.R.04/07/5
Mantralaya, Mumbai - 400 032.
Dated : 17 SEP 2007

Read :- Right to Information Act, 2005

GOVERNMENT RESOLUTION

In view of the provisions under section 16 (5) of the Right to Information Act, 2005, Government is hereby pleased to order the terms and conditions of services of the State Chief Information Commissioner as follows:-

Tenure :-

The State Chief Information Commissioner shall hold office for a term of 5 (five) years or till he attains the age of 65 years whichever is earlier. The State Chief Information Commissioner shall not be eligible for re-appointment. **(As per Section 16(1) of the Rights of Information Act, 2005)**

Status :-

The status of the State Chief Information Commissioner shall be the same as that of the Election Commissioner of India.

Pay :-

The State Chief Information Commissioner shall draw a pay of Rs.30,000/- per month (fixed). If he is in receipt of a pension other than a disability or wound pension from Government of India or from State Government, his salary as State Chief Information Commissioner shall be reduced by the amount of that pension including commuted portion of pension. If he is in receipt of retirement benefits in respect of 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 services as State Chief Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits. **(As per Section 16(5) and first provision there under of the Rights of Information Act, 2005 & Section 3 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Section 12A (2) of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958)**

Sumptuary Allowance :-

A monthly sumptuary allowance as admissible to the Election Commission shall be admissible to the State Chief Information Commissioner i.e. Rs. 7,500/- (Rupees seven thousand five hundred only) per month. **(As per Section 8 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Section 23P of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958)**

Provident Fund :-

The State Chief Information Commissioner shall be entitled to subscribe to the General Provident Fund (All India Services). **(As per Section7 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993.)**

Leave :-

A person who, immediately before the date of assuming office as the State Chief Information Commissioner, was in service of Government may be granted during his tenure of office but not thereafter, leave in accordance with the rules for the time being applicable to service to which he belonged before such date and he shall be entitled to carry forward the amount of leave standing at his credit on such date.

Any other person who is appointed as State Chief Information Commissioner may be granted leave in accordance with such rules as are applicable to a member of the All India Services.

The power to grant or refuse leave to the State Chief Information Commissioner and to revoke or curtail leave granted to him shall vest in the Governor of Maharashtra.

The State Chief Information Commissioner 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 All India Service (Leave) Rules, 1955 as amended from time to time.

In case of he 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 All India Service (Leave) Rules, 1955.

(As per Section 5 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993

& Section 4A of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958)

Accommodation :-

The State Chief Information Commissioner shall be entitled without payment of rent to the use of an official residence in accordance with the rules prescribed for Election Commissioner. He is entitled to free furnishing including electrical appliances in his official residence, the value of which does not exceed Rs 2 lakh. He is also entitled without payment of rent to the use of furnished residence throughout the term of his office and for a period of one month immediately thereafter and no charge shall fall on them personally in respect of the maintenance of such residence. For this purpose, residence includes the staff quarters and other buildings apartment thereto and the garden there of and maintenance in relation to a residence includes the payment of local rates and taxes and electricity and water. Where, for any reason, the State Chief Information Commissioner does not avail himself of the use of an official residence he may be paid every month an allowance equivalent to an amount of 30% of his pay plus dearness pay as house allowance in lieu of rent-free official residence. In such case the residence of the State Chief Information Commissioner will be treated as official residence and all other facilities described above will be provided. **(As per Section 8 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Rule 4 of the Supreme Court Judges Rules, 1959)**

Medical facilities :-

The State Chief Information Commissioner and the dependent members of his family shall be entitled to such facilities for medical treatment and for accommodation in hospitals as prescribed for the Election Commissioner from time to time. In terms of section 8 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993, he is entitled to medical facilities and such other conditions of service as are for the time being applicable to a judge of the Supreme Court under Chapter IV of the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made there under. Accordingly as per Rule 5 of the Supreme Court Judges Rules, 1959, in respect of facilities for medical treatment and accommodation in hospitals, the provisions of the All India Services (Medical Attendance) Rules, 1954 shall apply as they apply to a member of Indian Administrative Service.

Provided that the expenses shall be reimbursed on prescription of Government doctors / hospitals or recognized private practitioners/private hospitals to the State Chief Information Commissioner.

In accordance with Section 23C of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, every retired State Chief Information Commissioner 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 / All India Services and his family are entitled under any rules or orders of the Central Government for the time being in force **(As per Section 8 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 &Section 23C of the Supreme Court Judges (Salaries and Conditions of Service) Act,1958 & Rule 5 of the Supreme Court Judges Rules,1959)**

Conveyance facilities :-

The State Chief Information Commissioner shall be entitled to a staff car and 200 litters fuel per month or the actual consumption of fuel whichever is less. **(As per Section 8 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Section 23 A of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958)**

Travelling Allowance / Leave Travel :-

The State Chief Information Commissioner shall be entitled to Traveling Allowance /Leave Travel Concession as applicable to the Election Commissioner who are entitled to Travelling Allowance (Tour) and Travelling Allowance (Transfer/Retirement) as per the provisions contained in the Supreme Court Judges (Travelling Allowance) Rules, 1959. In terms of Rule 5(f) ibid when a judge travels on duty he is entitled to a daily allowance at the rate of Rs. 600/- for the entire period of absence from head quarters provided that daily allowance so admissible shall be regulated as follows:-

(i) Full daily allowance for each completed day, that is reckoned from mid-night to mid-night

(ii) For absence from head quarters for less than twenty- four hours the daily allowance shall be at the following rates, namely: -

(1) If the absence from headquarters does not exceed 6 hours, 30% of the full daily allowance;

(2) If the absence from head quarters exceeds 6 hours, but does not exceed 12 hours, 50% of the full daily allowance;

(3) If the absence from head quarters exceeds 12 hours full daily allowance provided also that -

When a judge is required to perform functions outside his normal duties in localities away from his head quarters, he may subject to such conditions as the Governor may in each case determine, be granted daily allowance not exceeding Rs.600 per day for all types of localities and Rs.1000 and transport charges not exceeding Rs.50 per day in respect of specially expensive localities like, Kolkata, Chennai, Delhi, Hyderabad, Ahemadabad and Bangalore or any other locality so declared hereafter by the President and shall also be entitled to accommodation at the same rates as for Government servants

As admissible to Supreme Court Judges and Election Commissioners, the State chief Information Commissioner is also entitled to Leave Travel Concession for self, spouse and dependent members for visiting any place in India including home town during leave thrice a year in accordance with rules applicable in this behalf to a member of the Indian Administrative Service holding the rank of Secretary to Government of India.

(As per Section 8 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959)

Pension :-

In terms of section 6(2) of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 the Chief Election Commissioner and Election Commissioners are entitled to a pension which is equal to the pension payable to the Judge of the Supreme Court in accordance with the provisions of Part III of the schedule to the Supreme Court Judges (Conditions of Service) Act, 1958 as amended from time to time. These provisions are also applicable to State Chief Information Commissioner in terms of section 16(5) of Rights of Information Act, 2005.

The provisions of Part III apply to a judge who has held any pensionable post under the union or a state (but is not a member of Indian Civil Service) and who has not elected to receive the pension payable under Part I ibid.

The pension payable to such a judge shall be:-

(a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a judge, his service as a judge in India being treated as service therein for the purpose of calculating pension

(b) a special additional pension of Rs.7800 per annum in respect of each completed year of service for pension as a judge in India

Provided that the pension under (a) and additional pension under clause (b) together shall in no case exceed Rs.270000 per annum.

Commutation of pension, family pension and gratuity as are admissible to the judge of the Supreme Court are also admissible to Chief Information Commissioner / Information Commissioners

(As per Section 6 of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Part III of the Schedule to the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958)

Post Retirement benefits :-

As in the case of Supreme Court Judges and Election Commissioners, the State Chief Information Commissioner is also entitled during his lifetime a payment of Rs.

4000/- (Rupees Four thousand only) per month for defraying the services of an orderly. They are also entitled to a residential telephone free of cost and the number of free calls to the extent of 1500 per month (Over and above the number of free telephone calls per month allowed by the telephone Companies). **(As per Rule 3 B of the Supreme Court Judges Rules, 1959)**

Administrative and other residuary matters :-

Administrative matters relating to terms and conditions of service of the State Chief Information Commissioner with respect to which no express provision has been made shall be as applicable to the Election Commissioners respectively. **(As per Section 16(5) of Rights of Information Act, 2005)**

This Government Resolution is issues with the concurrence of Finance Department vide its Unofficial Reference No.195/07/Viniyam, dt.22.03.2007.

This Government Resolution is published on State Governments official web site under the unique code no. 200709111131730001

By order and in the name of the Governor of Maharashtra.

Sept 07, 2007

Kshatrapati Shivaji
Secretary to Government

To,

State Chief Information Commissioner,
Office of the State Information Commission,
Mumbai.

C.C. to

Accountant General (Acctt. & Entitlement) Maharashtra - 1, Mumbai.
Accountant General (Acctt. & Entitlement) Maharashtra - 2, Nagapur.
Accountant General (Audit) Maharashtra - 1, Mumbai.
Accountant General (Audit) Maharashtra - 2, Nagapur.
Pay and Account Officer, Mumbai,
Resident Audit Officer, Mumbai,
Secretary, State Information Commission, Mumbai,(5 Copies)
Secretary, State Information Commissioner, Vidarbha Division /Marathwada Division / Pune Division / Konkan Division / Nashik Division / Amaravati Division,
Finance Department, Mantralaya, Mumbai.
Select File.