



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Regn No. NE-313(MZ)

Rs. 2/- per issue

VOL - XXXVIII Aizawl, Thursday, 18.6.2009, Jyaistha S.E 1931, Issue No. 299

ORDER

No.A.12021/1/09-MSIC, the 10th June, 2009. In exercise of the powers conferred on the Chief Information Commissioner under Section 15(4) of the Right to Information Act, 2005 and in terms of the provisions contained in Section 16(5) *ibid*, detailed terms and condition of service of State Chief Information Commissioner, Mizoram at ANNEXURE-I and State Information Commissioner, Mizoram at ANNEXURE-II are annexed herewith. These have been prepared strictly according to the provisions of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 and that of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and the Rules made there under, as amended from time to time. These have been indicated against each paragraph of the annexure.

The order is effective right from the date of formation of this Commission.

Robert Hrangdawla,
Chief Information Commissioner,
Mizoram State Information Commission.

Annexure -1 to Order No. A. 12021/1/09-MSIC of 9.6.2009

TERMS AND CONDITIONS OF SERVICE OF S.C.I.C., MIZORAM UNDER THE R.T.I ACT, 2005 AND CONNECTED LAWS

TENURE:-

1. The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment: [As per sub-section (1) of section 16 of the RTI Act, 2005]

Provided that no State Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years. [As per the Proviso to sub-section (1) of Section 16 of the RTI Act, 2005]

2. The State Chief Information Commissioner shall before he enters upon his office make and subscribe before the Governor 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). [As per sub-section (3) of Section 16 of the RTI Act, 2005].

3. The State Chief Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office: [As per sub-section (4) of Section 16 of the RTI Act, 2005]

Provided that the State Chief Information Commissioner may be removed in the manner specified under section 17 (of the RTI Act, 2005). [As per the Proviso to sub-section (4) of Section 16 of the RTI Act, 2005]

SALARY AND ALLOWANCES:-

1. "The salaries and allowances payable to and other terms and conditions of service of the State Chief Information Commissioner shall be the same as that of an Election Commissioner." (Section 16(5)(a) of the R.T.I. Act, 2005)

Provided that if the State Chief Information Commissioner, at the time of his 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, his salary in respect of the service as the State Chief Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that where the State Chief Information Commissioner if, at the time of his appointment 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 service as the State Chief Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

"Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner shall not be varied to his disadvantage after his appointment." [Provisos to sub-section (5) of Section 16 of the R.T.I. Act, 2005.]

2. **“There shall be paid to the Chief Election Commissioner and other Election Commissioners a salary equal to the salary of a Judge of the Supreme Court.”** [Section 3 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, as amended by Act No. 4 of 1994.]

3. **There shall be paid to a Judge of the Supreme Court, by way of salary, ninety thousand rupees per mensem.** [Sub-section (2) of section 12A of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as amended by Ordinance No. 1 of 2009 with effect from the 1st day of January, 2006 as may be amended from time to time.]

4. **There shall be paid to the State Chief Information Commissioner, by way of salary, ninety thousand rupees per mensem.** [As per section 16(5) of the RTI Act, 2005 read with Section 3 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 and read with sub-section (2) of section 12A of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as amended by Ordinance No. 1 of 2009 with effect from the 1st day of January, 2006, as may be amended from time to time.]

SUMPTUARY ALLOWANCE:-

A monthly sumptuary allowance as admissible to an Election Commissioner shall be admissible to the State Chief Information Commissioner under clause (a) of sub-section (5) of section 16 of the RTI Act, 2005.

The State Chief Information Commissioner is entitled to a sumptuary allowance of seven thousand five hundred rupees per month up to the 31st August, 2008 and, of fifteen thousand rupees per month with effect from the 1st September, 2008 [As per Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with section 23B of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as amended by Ordinance No. 1 of 2009, as may be amended from time to time.]

PROVIDENT FUND:-

The State Chief Information Commissioner shall be entitled to subscribe to the General Provident Fund (Central Services) [As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 7 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991]

LEAVE:-

(1) **A person who, immediately before the date of assuming office of 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 the 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.** [As per sub-section (1) of Section 5 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991]

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

[As per sub-section (2) of Section 5 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991]

(3) The power to grant or refuse leave to the Mizoram State Chief Information Commissioner and to revoke or curtail leave granted to him shall vest in the Governor of Mizoram. [As per sub-section (3) of Section 5 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read mutatis mutandis]

ENCASHMENT OF EARNED LEAVE:-

The State Chief Information Commissioner shall, on his demitting office except by resignation, 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 Services (Leave) Rules, 1955 as amended from time to time. [As per sub-sections (1) and (2) of Section 5 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, read with Section 4A of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958]

In case the State Chief Information Commissioner 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. [As per All India Service (Leave) Rules, 1955]

FACILITIES FOR RENT-FREE RESIDENCE:-

(1) The State Chief Information Commissioner shall be entitled without payment of rent to the use of furnished official residence throughout his term of office and for a period of one month immediately thereafter and no charge shall fall on him personally in respect of the maintenance of such residence, in accordance with the rules applicable to an Election Commissioner/a Judge of the Supreme Court. This concession shall also be admissible to the members of the family of the State Chief Information Commissioner, who dies while in service, for a period of one month immediately after his death.

EXPLANATION- For the purposes of this rule, 'residence' includes the staff quarters and other buildings appurtenant thereto and the garden thereof, and 'maintenance' in relation to a residence includes the payment of local rates and taxes and electricity and water.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 23(1), Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 4 of The Supreme Court Judges Rules, 1959]

(2) Where 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 thirty percent of the salary. [As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 23(1 A), Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958]

FACILITIES FOR MEDICAL TREATMENT AND ACCOMMODATION IN HOSPITALS:-

The State Chief Information Commissioner and the members of his family shall be entitled to such facilities for medical treatment and accommodation in hospitals in accordance with the provisions of the All India Services (Medical Attendance) Rules, 1954 as they apply to a Member of the Indian Administrative Service.

Provided that the expenses shall be reimbursed on prescription of Government Doctors/Hospitals or Recognised Private Practitioners/Private Hospitals by the Secretary/Registrar of the Mizoram State Information Commission. [As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 23(2), Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 5 of The Supreme Court Judges Rules, 1959 or as may be amended from time to time]

CONVEYANCE FACILITIES:-

The State Chief Information Commissioner shall be entitled to a staff car and 200 litres fuel for headquarters per month or the actual consumption of fuel whichever is less. [As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 23 A, Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958]

TRAVELLING ALLOWANCE:-

(1) When a Government servant appointed to be the State Chief Information Commissioner, travels by train to join his post, he may, at his option and in lieu of drawing travelling allowance under the rule governing a journey on transfer applicable to him, travel in a reserved compartment of the highest class. He shall also be entitled to a lump sum transfer grant and packing allowance at the rates as are admissible to a person holding such a post when transferred or deputed to another place or post. [As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 22, Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 2 and rule 3 of The Supreme Court Judges (Travelling Allowance) Rules, 1959]

(2) When a person not already in Government service is appointed to be the State Chief Information Commissioner, he may, when travelling by railway to join his post, travel in a reserved compartment of the highest class.

***Explanation-* A reserved compartment means a two-berth compartment or four-berth compartment if a two-berth compartment is not available in the train by which the State Chief Information Commissioner travels.**

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 22, Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 4 of The Supreme Court Judges (Travelling Allowance) Rules, 1959]

(3) Travelling Facilities on duty:-

- (I) **When the State Chief Information Commissioner travels on duty, he is entitled-**
- (a) **when travelling by railway-**
- (i) **to a reserved two-berth compartment of the highest class including air-conditioned class, and if one such compartment is not available, then, to a reserved four-berth compartment of the highest class (but excluding the air-conditioned class);**
- (ii) **if such a compartment is provided, to take his wife along with him without payment of fare; and**
- (iii) **the fares at the lowest class rates actually paid for servants not exceeding two in number.**
- (b) **when travelling by a Steamer service, to one reserved first-class cabin if available, or to the fare actually paid for himself and the fares at lowest class rates actually paid to the steamer service for servants not exceeding two in number subject to usual deductions on account of messing charges;**
- (c) **when travelling by a public air transport service, to the fare paid for himself and if actually paid, the cost of transporting upto 80 kilograms of luggage by rail at passenger rates, or steamer and the railway or steamer fares of the lowest class for servants not exceeding two in number, and the expenditure actually incurred on the transport by road of servants or luggage upto a maximum of one-half of rate per kilogram notified by the concerned Directorate of Transport for Auto-rickshaw of that part of the journey by road for which no allowance is claimed under clause (d) of this rule;**
- (d) **when travelling by road, to Mileage Allowance:**

Provided that-

- (i) **no such allowance shall be payable in respect of that portion of journey by road for which a public air transport service provides its own transport and the fare for which journey is included in the air fare paid under clause (c) above for the air journey;**
- (ii) **no such allowance shall be payable in cases where the State Chief Information Commissioner uses transport provided at Government/MSIC expenses;**
- (e) **to a daily allowance at the rate of Rs.600/- for all types of localities and Rs.1,000/- per day in respect of specially expensive localities like Bombay, Kolkata, Madras, Delhi, Hyderabad, Ahmedabad and Bangalore or any other locality so declared by the President and shall also be entitled to Government accommodation at the same rates as for Government servants, for the entire period of absence from headquarters, the absence being reckoned from the time of departure from headquarters to the time of return to headquarters :**

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 headquarters 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 six hours, 30 per cent of the full daily allowance;
 - (2) if the absence from headquarters exceeds six hours, but does not exceed twelve hours, 50 per cent of the full daily allowance;
 - (3) if the absence from headquarters exceeds twelve hours, full daily allowance.
- (iii) if the dates of departure from and return to headquarters fall on different dates, the period of absence from headquarters shall be reckoned as two days and daily allowance shall be calculated for each day as in clause (ii) above;
- (f) to the expenditure, if any, actually incurred on the transport by passenger train or steamer at owner's risk of a motor car, and the fare at lowest class rate actually paid to a railway or steamer service in respect of one driver or cleaner for the car;
- (g) to the actual freight paid for the transport of personal effects not exceeding the freight chargeable for transporting by goods train personal effects weighing 2,400 kilograms.

(II) If any person other than wife and servants accompany the State Chief Information Commissioner in a compartment or cabin reserved for him under (I) above, fares shall be payable by him on their account, and the fares so paid shall, if full tariff rates have been paid by Government/MSIC for the reserved accommodation, be credited to Government.

(III) When the State Chief Information Commissioner travels on duty, he shall also be entitled to reimbursement of the fares paid by him in respect of one of the members of his family (excluding married sons and married daughters) if he or she accompanied him on such journeys.

(IV) For the purposes of this rule-

(i) all journeys to and from headquarters shall be deemed to commence and terminate at the residence of the State Chief Information Commissioner at headquarters or, as the case may be, at an out-station. For journeys by road within eight kilometers of such residence at headquarters, no mileage allowance will be admissible unless the State Chief Information Commissioner actually proceeds to a place outside the eight kilometers radius. Actual out-station, no mileage allowance in addition to a daily allowance to which the State Chief Information Commissioner may be entitled will be admissible for road journeys within eight kilometers of the temporary residence of the State Chief Information Commissioner.

(ii) the State Chief Information Commissioner shall be deemed to be travelling on duty when, during a vacation of the MSIC, he proceeds from any place in India where he was spending the vacation for the purpose of doing duty in the MSIC and returns to such place after completion of such duty;

(iii) "actual expenses" means the ordinary and normal expenses incidental to the journey and include any charge for ferry, payment of tolls, amount spent on transport of camp equipment but do not include such other charges as hotel charges, rent for occupying a traveller's bungalow, cost of refreshments, charges for carriage of stores or conveyance or presents to coachmen or tips to bearers or any other allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants;

(iv) when the period of continuous halt at any place exceeds ten days, but does not exceed thirty days, daily allowance shall be admissible at full rate for the first ten days and at three-fourth of the rates for any subsequent days. [As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 22, Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 5 of The Supreme Court Judges (Travelling Allowance) Rules, 1959]

TRAVELLING ALLOWANCE WHEN PROCEEDING ON OR RETURNING FROM LEAVE ETC.

(1) When the State Information Commissioner-

- (a) proceeds on, or returns from leave, or
- (b) proceeds on, or returns from, vacation spent in or outside India, or
- (c) proceeds to join another post after resigning his office, he may, when travelling by rail in India, travel in a reserved compartment of the highest class, excluding the air-conditioned class, subject to the conditions prescribed under (1) above.

(2) These facilities will be available upto and from the place of embarkation or disembarkation or the place where the State Chief Information Commissioner ordinarily resides in India, as the case may be.

(3) When the State Chief Information Commissioner retires from service, he and the members of his family shall be entitled to the following expenses for travel and for the transportation of personal effects from the place in which he was on duty prior to his retirement to the permanent residence in his home State declared for the purpose before retirement. If the State Chief Information Commissioner wishes to settle down at a place other than the permanent residence in his home State, the amount reimbursable to him on account of the journey of the members of his family and for the transportation of personal effects shall be that which would have been admissible to him had he actually proceeded to his permanent residence in his home State or the amount reimbursable for journey to a place other than the permanent residence in his home State, whichever is less. The precise entitlement as aforesaid under these rules shall be as follows, namely :-

(a) when travelling by rail or air-

(i) the State Chief Information Commissioner himself may travel by a reserved compartment of highest class including the air-conditioned class or by air. The members of his family may also travel in such reserved compartment;

- (ii) members of his family not travelling in the reserved compartment may travel in the highest class of accommodation including the air-conditioned class or by air;
- (b) when travelling by road;

one mileage allowance for the State Chief Information Commissioner, a second mileage allowance if two members of his family are travelling with him, and a third mileage allowance if more than two members of his family travel with him, at the rate applicable to the State Chief Information Commissioner:

Provided that when any portion of the journey can be performed by rail, the allowance claimed in respect of that portion shall not exceed the amount admissible had the State Chief Information Commissioner and the members of his family travelled on such portion by rail by the highest class, including air-conditioned.

- (c) when travelling by rail or air or road, daily allowance shall be admissible to the State Chief Information Commissioner and each member of his family at the same rates as are admissible to the State Chief Information Commissioner when he travels on duty and the provisions thereof, as far as may be, apply;
- (d) for transportation of one motor car, by passenger train at Railway risk or by air at owner's risk whichever is less; and
- (e) for transportation of other personal effects not exceeding the expenditure which would be incurred in the transport of a full four wheeler wagon or 6,000 kg. by goods train or Double Container and the expenditure incurred in loading and un-loading such personal effects;
- (f) the lumpsum transfer grant and packing allowance at the same rates as are admissible to a member of the All India Services holding the rank of Secretary to the Government of India:

Provided that the above entitlement will lapse if the journey is not completed by the State Chief Information Commissioner within six months from the date of his retirement:

Provided further that the members of his family may follow him within six months or precede him by not more than one month and the period of six months or one month, as the case may be, shall count from the date of retirement of the State Chief Information Commissioner.

Explanation:- For the purposes of this provision, members of the family of the State Chief Information Commissioner means his wife, his children, parents, sisters and minor brothers normally residing with him and wholly dependent on him.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 22, Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 6 of The Supreme Court Judges (Travelling Allowance) Rules, 1959]

LEAVE TRAVEL CONCESSION

Notwithstanding anything contained in the foregoing rules, the State Chief Information Commissioner shall be entitled to leave travel concession for himself, his wife and the dependent members of his family for visiting any place in India, including permanent residence in his home State, during his leave, thrice a year, in accordance with the rules applicable in this behalf to a member of the Indian Administrative Service holding the rank of a Secretary to the Government of India.

Explanation:- For the purpose of this rule, 'leave' shall include vacation, any of the Gazetted holidays, closed holidays and Sundays:

Provided that the State Chief Information Commissioner and his wife shall have the option to travel by air or by air-conditioned first class when travelling by Railway. Dependent members of the family shall also be allowed to travel with either of them by air-conditioned first class or by Air, when the State Chief Information Commissioner or his wife travels on Leave Travel Concession or they can travel independently while travelling by air.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 22, Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 6A of The Supreme Court Judges (Travelling Allowance) Rules, 1959]

TRAVELLING FACILITIES ON SUNDAYS AND HOLIDAYS-

While travelling by rail on Sundays or closed holidays, the State Chief Information Commissioner shall be entitled to a reserved two-berths compartment of the highest class, including the air-conditioned class, for his exclusive use.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 22, Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 6B of The Supreme Court Judges (Travelling Allowance) Rules, 1959]

TRAVELLING EXPENSES PAYABLE TO FAMILY OF THE STATE CHIEF INFORMATION COMMISSIONER WHO DIES WHILE ON DUTY-

In the case of the State Chief Information Commissioner who dies while in service, the members of his family shall be entitled to the following travelling expenses for travel by the shortest route from the headquarters of the State Chief Information Commissioner to his normal place of residence which shall be the permanent home as entered in the record or such other place, as might have been declared to be permanent home by the State Chief Information Commissioner while in service, provided that journey is completed within six months after the death of the State Chief Information Commissioner:-

- (a) For journey by rail and/or by Steamer-
 - (i) actual first class fare for every member of the family;
 - (ii) actual cost of transportation of personal effects upto a full wagon, i.e. 6,000 kilograms.
- (b) For journeys by road-

- (i) **one mileage allowance for one member of the family, a second mileage allowance if two members of the family and a third mileage allowance if more than two members of the family of the deceased State Chief Information Commissioner travel, at the rate applicable to such deceased State Chief Information Commissioner.**
- (ii) **actual cost limited to the expenditure, which would be incurred in the transportation of 2,400 kilograms of goods and the expenditure incurred in embarking and disembarking such personal effects.**
- (c) **for journeys by rail or Steamer or by road as aforementioned, daily allowance at the same rates as are admissible to the State Chief Information Commissioner when he travels on duty and the provisions thereof shall, as far as may be, apply.**

The above concessions will also be admissible for the travel of a member of the family of the State Chief Information Commissioner from the headquarters of the State Chief Information Commissioner to a place other than the headquarters of the State Chief Information Commissioner, where the member happens to be at the time of the State Chief Information Commissioner's death, to a place other than the normal place of residence, provided that the total expenses claimed shall not exceed the amount admissible had such member travelled from the headquarters of the State Chief Information Commissioner to the normal place of residence and the journey is completed within six months after the death of the State Chief Information Commissioner.

This rule shall not apply to the State Chief Information Commissioner who dies while on leave pending retirement.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 22, Chapter IV of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 7 of The Supreme Court Judges (Travelling Allowance) Rules, 1959]

PENSION PAYABLE TO THE STATE CHIEF INFORMATION COMMISSIONER

1. SERVICE TO COUNT FOR PENSION: A person who, immediately before the date of assuming the office of the State Chief Information Commissioner was in service of Government shall be deemed to have retired from service on the date on which he enters upon office as the State Chief Information Commissioner but his subsequent service as the State Chief Information Commissioner shall be reckoned as continuing approved service counting for pension in Service to which he belonged.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 6(1) of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991]

2. DEMISSION OF OFFICE : Except where the State Chief Information Commissioner 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 years specified in sub-section (1) of section 16 of the Right to Information Act, 2005, or**
- (b) **he has attained the age of sixty-five years, or**
- (c) **his demission of office is medically certified to be necessitated by ill-health.**

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with sub-section (3) Section 6 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991]

3. ACCRUAL OF AND ENTITLEMENT TO PENSION: Where the State Chief Information Commissioner demits office, whether in any manner specified above or by resignation, he shall on such demission be entitled to-

- (a) **a pension which is equal to the pension payable to a 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; and**
- (b) **such pension (including commutation of pension), family pension and gratuity as are admissible to a Judge of the Supreme Court under the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made thereunder, as amended from time to time.**

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with sub-sections (1), (2) and (3) of Section 6 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991]

4. PART III OF THE SCHEDULE :

- 1. The provisions of Part III of the Schedule to the Supreme Court Judges (Conditions of Service) Act, 1958 apply to the State Chief Information Commissioner) who has held pensionable post under the Union or a State (but is not a member of the Indian Civil Service).**
- 2. The pension payable to the State Chief Information Commissioner shall be-**
 - (a) **the pension to which he is entitled under the ordinary rules of his service if he had not been appointed the State Chief Information Commissioner, his services as the State Chief Information Commissioner being treated as service therein for the purpose of calculating that pension;**
 - (b) **a special additional pension of Rs.16,020 per annum in respect of each completed year of service for pension as the State Chief Information Commissioner or as amended from time to time:**

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

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 6 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Part III of the Schedule to Section 14, of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as amended by Ordinance No. 1 of 2009]

FAMILY PENSION AND GRATUITIES**Where the State Chief Information Commissioner,-**

- (a) dies before retirement, family pension calculated at the rate of fifty percent of his salary on the date of his death shall be payable to the person or persons entitled thereto and the amount so payable shall be paid from the day following the date of death of the State Chief Information Commissioner for a period of seven years or for a period upto the date on which the State Chief Information Commissioner would have attained the age of sixty-five years, had he survived, whichever is earlier, and thereafter at the rate of thirty percent of his salary; and
- (b) dies after retirement on attaining the age of sixty-five years, family pension shall be thirty percent of his salary, and shall be payable to the person or persons entitled thereto;
- (c) dies after retirement after seeking premature retirement and before attaining the age of sixty-five years, family pension shall be calculated at the rate specified in clause (a) above and shall be payable to the person or persons entitled thereto:

Provided that in no case the amount of family pension so calculated according to the above provisions shall exceed pension payable to the State Chief Information Commissioner.

Explanation:- For the purposes of determining the person or persons entitled to family pension under the foregoing provisions-

- (i) in relation to the State Chief Information Commissioner, the ordinary rules of his service if he had not been appointed the State Chief Information Commissioner with respect to the person or persons entitled to family pension shall apply and his service as the State Chief Information Commissioner being treated as service therein.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 6 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with sub-section (1) of Section 16A of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958]

Death-cum-Retirement Gratuity :

The rules, notifications and orders for the time being in force with respect to the grant of Death-cum-Retirement Gratuity benefits to or in relation to an officer of the Central Civil Services, Class-I (including the provisions relating to deductions from the pension for the purpose) shall apply to or in relation to the grant of Death-cum-Retirement Gratuity benefit to or in relation to the State Chief Information Commissioner who retires, or dies, in circumstances to which the foregoing provisions do not apply subject to the modifications:

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

(ii) the amount of gratuity shall be calculated on the basis of ten days salary for each completed six months period of service as the State Chief Information Commissioner.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 6 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with sub-section (2) of Section 16A of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958]

ADDITIONAL QUANTUM OF PENSION OR FAMILY PENSION

Every retired State Chief Information Commissioner or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:-

Age of pensioner or family pensioner	Additional quantum of pension or family pension
From eighty years to less than eighty-five years	twenty per cent of basic pension or family pension
From eighty-five years to less than ninety years	thirty per cent of basic pension or family pension
From ninety years to less than ninety-five years	forty per cent of basic pension or family pension
From ninety-five years to less than hundred years	fifty per cent of basic pension or family pension
From hundred years or more	hundred per cent of basic pension or family pension

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 16B of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as inserted by Ordinance No.1 of 2009]

EXTRAORDINARY PENSION AND GRATUITIES

The rules for the time being in force with respect to the grant of extraordinary pension and gratuities in relation to an officer of the Central Civil Services, Class-I, who may suffer injury or dies as a result of violence in the course of and as a consequence of the due performance of his official duties, shall apply in relation to the State Chief Information Commissioner, subject, however, to the modification that reference in those rules to tables of injury gratuities and pensions, and of family gratuities and pensions shall be construed as references to the tables in the Second Schedule to The Supreme Court Judges Rules, 1959, viz.

THE SECOND SCHEDULE
(To the Supreme Court Judges Rules, 1959)

INJURY GRATUITY AND PENSION
(applicable to the State Chief Information Commissioner)

Officer	Gratuity	Annual Pension	
		Higher Scale	Lower Scale
State Chief Information Commissioner	Rs.22,000/-	Rs. 5,400/-	Rs. 4,700/-/-

FAMILY GRATUITY AND PENSION

(A) WIDOW

Officer	Gratuity	Annual Pension
State Chief Information Commissioner		Rs.15,000/- Rs.5,000/-

(B) CHILDREN

Officer	Annual Pension
If the child is motherless	Rs.550/-
If the child is not motherless	Rs.320/-

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with Section 16 of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and rule 3 of The Supreme Court Judges Rules, 1959]

POST RETIRAL BENEFITS

The retired State Chief Information Commissioner shall be entitled during his lifetime to a payment of four thousand rupees per month for defraying the services of orderly and also shall be entitled to a residential telephone free of cost and the number of free calls to the extent of 1,500 per month (over and above the number of free calls per month allowed by the telephone authorities), as may be modified from time to time. The above retiral benefits shall be provided by the Secretary/Registrar of the Mizoram State Information Commission on furnishing a certificate by the retired State Chief Information Commissioner in the form prescribed, if any, by the Secretary/Registrar of the said Commission. [As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 and read with rule 3B(1) of The Supreme Court Judges Rules, 1959]

COMMUTATION OF PENSION RULES

The Civil Pensions (Commutation) Rules, for the time being in force, shall with necessary modifications, apply to the State Chief Information Commissioner.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 and

read with section 19 of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and the rules framed thereunder]

AUTHORITY COMPETENT TO GRANT PENSION

Save as may be otherwise expressly provided in the relevant Act or rules relating to the grant of pension, extraordinary pension and gratuities, the authority competent to grant pension or gratuity to the State Chief Information Commissioner shall be the Governor of Mizoram.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with Section 8 of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 and read with section 21 of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and the rules framed thereunder]

CONDITIONS OF SERVICE WHERE NO EXPRESS PROVISION IS MADE

The conditions of service of the State Chief Information Commissioner for which no express provision has been made in the Right to Information Act, 2005 read with the provisions of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with the relevant provisions of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and the rules framed thereunder, shall be determined by the rules for the time being applicable to a member of the Indian Administrative Service holding the rank of Secretary to the Government of India.

[As per clause (a) of sub-section (5) of section 16 of the RTI Act, 2005 read with the provisions of the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 read with the provisions of The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 read with rule 6 of the Supreme Court Judges Rules, 1959]

Sd/-

ROBERT HRANGDAWLA,
Chief Information Commissioner,
Mizoram State Information Commission.

Annexure - II to order No.A.12021/1/09-MSIC of 9.6.2009.

TERMS AND CONDITIONS OF SERVICE OF S.I.C., MIZORAM UNDER THE R.T.I ACT, 2005 AND CONNECTED LAWS

TENURE:-

1. The State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner. [As per sub-section (2) of section 16 of the RTI Act, 2005]

2. The State Information Commissioner shall before he enters upon his office make and subscribe before the Governor 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). [As per sub-section (3) of Section 16 of the RTI Act, 2005].

3. The State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office: [As per sub-section (4) of Section 16 of the RTI Act, 2005]

Provided that the State Chief Information Commissioner may be removed in the manner specified under section 17 (of the RTI Act, 2005). [As per the Proviso to sub-section (4) of Section 16 of the RTI Act, 2005]

SALARY AND ALLOWANCES:

1. "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 Government" (Section 16(5)(a) of the R.T.I. Act, 2005)

Provided that if the State Information Commissioner, at the time of his 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, his salary in respect of the service as the State Information Commissioner shall be reduced by the amount of that pension including any portion

Provided further that where the State Information Commissioner if, at the time of his appointment 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 service as the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

"Provided also that the salaries, allowances and other conditions of service of the State Information Commissioner shall not be varied to his disadvantage after his appointment." [Provisos to sub-section (5) of Section 16 of the R.T.I. Act, 2005.]

SUMPTUARY ALLOWANCE:-

Not applicable.

PROVIDENT FUND:-

Same as Chief Secretary to the Govt. of Mizoram.

LEAVE:-

Same as Chief Secretary to the Govt. of Mizoram.

ENCASHMENT OF EARNED LEAVE:-

Same as Chief Secretary to the Govt. of Mizoram.

FACILITIES FOR RENT-FREE RESIDENCE:-

Same as Chief Secretary to the Govt. of Mizoram.

FACILITIES FOR MEDICAL TREATMENT AND ACCOMMODATION IN HOSPITALS:-

Same as Chief Secretary to the Govt. of Mizoram.

CONVEYANCE FACILITIES:-

Same as Chief Secretary to the Govt. of Mizoram.

TRAVELLING ALLOWANCE:-

Same as Chief Secretary to the Govt. of Mizoram.

TRAVELLING ALLOWANCE WHEN PROCEEDING ON OR RETURNING FROM LEAVE ETC.

Same as Chief Secretary to the Govt. of Mizoram if applicable.

LEAVE TRAVEL CONCESSION

Same as Chief Secretary to the Govt. of Mizoram.

TRAVELLING FACILITIES ON SUNDAYS AND HOLIDAYS-

Same as Chief Secretary to the Govt. of Mizoram.

TRAVELLING EXPENSES PAYABLE TO FAMILY OF THE STATE INFORMATION COMMISSIONER WHO DIES WHILE ON DUTY-

Same as Chief Secretary to the Govt. of Mizoram if applicable.

PENSION PAYABLE TO THE STATE INFORMATION COMMISSIONER

Same as Chief Secretary to the Govt. of Mizoram.

FAMILY PENSION AND GRATUITIES

Same as Chief Secretary to the Govt. of Mizoram if applicable.

ADDITIONAL QUANTUM OF PENSION OR FAMILY PENSION

Same as Chief Secretary to the Govt. of Mizoram if applicable.

EXTRAORDINARY PENSION AND GRATUITIES

Same as Chief Secretary to the Govt. of Mizoram if applicable.

POST RETIRAL BENEFITS

Same as Chief Secretary to the Govt. of Mizoram.

COMMUTATION OF PENSION RULES

Same as Chief Secretary to the Govt. of Mizoram.

AUTHORITY COMPETENT TO GRANT PENSION

Same as Chief Secretary to the Govt. of Mizoram.

CONDITIONS OF SERVICE WHERE NO EXPRESS PROVISION IS MADE

Same as Chief Secretary to the Govt. of Mizoram.

Sd/-

(ROBERT HRANGDAWLA)
Chief Information Commissioner,
Mizoram State Information Commission.