

III. Government Notifications and Statutory Rules

1. Notification on "Minority Communities" : 1993

- SO No. 816 (E), F.No.1/11/93-MC (D) dated 23.10.1993

In exercise of the powers conferred by Clause (c) of Section 2 of the National Commission for Minorities Act 1992 (19 of 1992), the Central Government hereby notifies the following communities as "the Minority communities" for the purposes of the said Act, namely:

1. Muslims
2. Christians
3. Sikhs
4. Buddhists
5. Zoroastrians (Parsis)

2. NCM (Salaries & Allowances and Conditions of Service of Chairperson & Members) Rules : 1995

- G.S.R. 551 (E) of 17.7.95

In exercise of the powers conferred by Section 15 read with sub-section (5) of Section 4 of the National Commission for Minorities Act 1992 (19 of 1992), the Central Government hereby makes the following Rules regulating the salaries and allowances payable to and the terms and conditions of service of the Chairperson and Members of the National Commission for Minorities, namely:-

1. Short title and commencement.-

(1) These Rules may be called the National Commission for Minorities (Salaries and Allowances and Conditions of Service of Chairperson and Members) Rules 1995.

(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 Minorities Act 1992 (19 of 1992);
- (b) "Chairperson" means the Chairperson of the Commission.

- (c) The words and expressions used herein but not defined and defined in the Act shall have the meaning assigned to them in the Act.

3. Salary and allowances.-

(1) Save as otherwise provided in sub-rule (2), the Chairperson and every Member shall be paid a salary of rupees eight thousand per month [pre-revision figure] :

Provided that where the Chairperson or a Member is a retired person from the Central Government or a State Government or Union Territory Administration or semi-Government body or Public Sector Undertaking or a recognised research institution or other autonomous or statutory body, the salary payable together with the pension or pensionary value of the terminable benefits or both received by him shall not exceed eight thousand rupees per month [pre-revision figure].

Provided further that in case a retired judge of Supreme Court or a High Court is appointed as Chairperson or a Member of the Commission, the terms and conditions of service of such Chairperson or Member shall be in accordance with the instructions issued by the Ministry of Finance in respect of appointment of judges to various Commissions and in consultation with that Ministry.

(2) If at the time of his appointment to the Commission the Chairperson or a Member is in service of the Central or a State Government or Union Territory Administration, he shall have the option to receive his salary upon the age of superannuation in accordance with the rules of service applicable to him under the Central or State Government or Union Territory Administration, as the case may be, and thereafter the provisions of these Rules shall apply.

4. Tenure of office.-

(1) The Chairperson and every Member shall, unless removed from office under sub-section (3) of Section 4 of the Act, hold office for a period not exceeding three years.

(2) If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the Central Government, if so required by the Commission, shall nominate any other Member to act as Chairperson, and the Member so nominated shall hold office of Chairperson until the Chairperson resumes office.

(3) If a vacancy occurs in the office of the Chairperson by reason of his death or resignation, the Central Government shall nominate any other Member to act as Chairperson, and the Member so nominated shall hold office of Chairperson until the vacancy is filled by a fresh nomination under sub-section (4) of Section 4 of the Act.

5. Leave.-

(1) 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; and
- (b) extraordinary leave as admissible to the temporary Government servants under the Central Civil Service (Leave) Rules 1972 as amended from time to time.

(2) Where a Chairperson or Member retires on attaining the normal age prescribed for retirement under terms and conditions governing his service before his appointment to the Commission, he shall be entitled to cash equivalent of leave salary for earned leave, if any, at his credit on the date of retirement, subject to a maximum of 240 days. In case of a Chairperson or Member who is re-employed after retirement, he shall on termination of his re-employment be entitled to cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to a maximum of 240 days including the period for which encashment was allowed to him at the time of earlier retirement.

Note : Cash equivalent of earned leave shall be computed in accordance with the provisions of CCS (Leave) Rules 1972.

6. Leave-sanctioning authority.-

The Chairperson shall be the authority to sanction leave to Members, and the Central Government shall be the authority competent to sanction leave to the Chairperson.

7. Retirement from parent service on appointment in Commission.—

The Chairperson or a Member who on the date of his appointment to the Commission was in the service of the Central or a State Government or Union Territory Administration shall be deemed to have retired from such service with effect from the date of his appointment as the Chairperson or a Member of the Commission.

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 or Union Territory Administration shall, without prejudice to rule 7, at his option to be exercised within a period of six months from the date of his appointment in the Commission or on or before the date of his 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.

(2) If a Chairperson or Member who at the time of his appointment as such was in the service of the Central or State Government or Union Territory Administration does not exercise the option specified in sub rule (1), he shall count his service as Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment:

Provided that service as Member shall so count for pension and retirement benefits upto the age of superannuation only under the rules of service to which the belonged.

9. Provident Fund.-

(1) The Chairperson or a Member who on the date of his appointment to the Commission as such was in the service of the Central or a State Government or Union Territory Administration and who had been admitted to the benefits of General Provident Fund or Contributory Provident Fund may, at his option, continue to subscribe to that Fund until the date on which he retires according to rules applicable to him in that service. In the case of the Contributory Provident Fund, the employer's 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 during the tenure of appointment as such Chairperson or Member on the basis of the emoluments which he would have drawn in the post he held immediately before appointment.

Explanation : The Chairperson or a 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 the option so exercised shall be final.

(2) The Chairperson or a Member, including the person who has exercised an option under rule 8(1) or rule 9(1) or under both, shall be entitled to be admitted to the benefits 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:

Provided that the Chairperson or Member shall cease to contribute to any other Provident Fund from the date of admission to the Contributory Provident Fund Scheme under this rule.

10. Service conditions of Chairperson/Members of special status.-

Without prejudice to any of the provisions in these Rules, the Central Government may by order, if its is considered necessary, sanction salaries, allowances and other facilities to the Chairperson or a Member in accordance with any special status that may be conferred on the incumbent.

11. *Residuary provision.-*

The salaries, allowances and conditions of service of the Chairperson and the Members for which no express provision has been made in these Rules will be as those applicable to a Secretary to the Government of India from time to time.

3. NCM (Terms & Conditions of Service of Officers & Other Employees) Rules 1994-95
- GSR 68 of 14.2.95

In exercise of the powers conferred by sub-section 2 of Section 15 of the National Commission for Minorities Act 1992 (19 of 1992), the Central Government hereby makes the following Rules to regulate the terms and conditions of service of the officers and other employees appointed for the purposes of the Commission, namely :-

1. *Short title and commencement.-*

(1) These Rules may be called the National Commission for Minorities (Terms and Conditions of Services of Officers and Other Employees) Rules 1994.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Number of posts & pay scales, etc.-*

The number of posts and the scales of pay of various categories of posts in the Commission shall be as specified in the Schedule annexed to these Rules.

3. *Conditions of service.-*

The conditions of service of the officers and other employees of the Commission in matters relating to pay, allowances, leave, provident fund, age of superannuation, pension and retirement benefits, medical facilities and other conditions of service, shall be regulated in accordance with such rules and regulations as are for the time being applicable to the officers and other employees of the Central Government belonging to Group A, Group B, Group C and Group D, as the case may be, of the corresponding scales of pay.

SCHEDULE
number of posts and the scales of pay of the posts in the NCM
(See Rule 2)

posts	No.	scale of pay [pre-revision]*
1. Secretary	1	Rs. 8000 (fixed)
2. Joint Secretary	1	Rs. 5800-200-6700
3. Deputy Secretary	1	Rs. 3700-125-4700-150-500
4. Under Secretary	1	Rs. 3000-100-3500-125-4500
5. Research Officer	1	Rs. 2200-75-2800-EB-100-4000
6. Administrative Officer	1	Rs. 2200-75-2800-EB-100-400
7. Section Officer	1	Rs. 2000-60-2300-EB-75-3200-100-3500
8. Private Secretary	9	Rs. 2000-60-2300-EB-75-3200-100-3500
9. Librarian	1	Rs. 1640-60-2600-EB-75-2900
10. Research Investigator	3	Rs. 1640-60-EB-75-2900
11. Assistant	2	Rs. 1400-40-1600-50-2300-EB-60-2600
12. Hindi Translator	1	Rs. 1400-40-1600-50-2300-EB-60-2600
13. Urdu Translator	1	Rs. 1400-40-1600-50-2300-EB-60-2600
14. Stenographer Grade 'C'	9	Rs. 1400-40-1600-50-2300-EB-60-2600
15. Accountant	1	Rs. 1400-40-1600-50-2300-EB-60-2600
16. Research Assistant	3	Rs. 1400-40-1600-50-2300-EB-60-2600
17. Stenographer Grade 'D'	1	Rs. 1200-30-1560-EB-10-2010
18. Urdu Stenographer 'D'	1	Rs. 1200-30-1560-EB-10-2010
19. Upper Division Clerk	2	Rs. 1200-20-1560-EB-10-2010
20. Lower Division Clerks	3	Rs. 950-20-1150-EB-25-1500
21. Staff Car Driver	9	Rs. 950-20-1150-EB-25-1400
22. Despatch Rider	1	Rs. 950-20-1150-EB-25-1400
23. Gestetner Operator	1	Rs. 800-15-1010-EB-20-1150
24. Jamadar	8	Rs. 775-12-871-EB-14-1025
25. Daftary	1	Rs. 775-12-871-EB-14-1025
26. Peon	7	Rs. 750-12-870-EB-14-940
27. Safaiwala	2	Rs. 750-12-870-EB-14-940

* See new pay scales in the NCM Officers & Employees (Recruitment) Rules 1997
[pages 66-73, infra]

**4. NCM (Annual Statement of Accounts, Audit & Annual Report)
Rules 1995**

(5) - GSR 641(E) of 18.9.95

In exercise of the powers conferred by Section 15 read with sub-section (1) of Section 11 and Section 12 of the National Commission for Minorities Act 1992 (19 of 1992), the Central Government hereby makes the following Rules, namely:-

1. *Short title and commencement.*-

(1) These Rules may be called the National Commission for Minorities (Annual Statement of Accounts, Audit and Annual Report) Rules 1995.

(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 Minorities Act, 1992 (19 of 1992);
- (b) "Audit officer" means the Comptroller and Auditor General of India or any person appointed by him in connection with the audit of the accounts of the Commission;
- (c) "Financial year" means the year beginning on the 1st of April and ending on 31st of March following;
- (d) "Form" means Forms annexed to these Rules.

3. *Accounts of the Commission.*-

(1) The Annual Statements of Accounts of the Commission for every financial year shall be prepared by the Secretary or such officer of the Commission as may be authorised by the Secretary in this behalf.

(2) The Annual Statement of Accounts duly approved by the Commission shall be submitted by the Secretary to the Central Government by such date as may be specified by the Central Government.

(3) The Commission shall forward to the Central Government quarterly reviews of the progress of the expenditure incurred and the expenditure likely to be incurred during the remaining part of the financial year as and when called for by the Central Government.

(4) The Commission shall also furnish annually the Utilisation Certificate certifying that the grant has been utilised as per the terms and conditions.

(5) The Secretary shall supervise the maintenance of the accounts of the Commission and the compilation of the financial statements and returns and shall ensure that all accounts, books, connected vouchers and other documents and papers of the Commission required by the Audit Officer for the purpose of auditing the accounts of the Commission are placed at the disposal of that officer.

(6) The accounts of the Commission, including initial accounts with effect from the date of its constitution, shall be maintained in Form 'A'.

(7) The Annual Statement of Accounts referred in sub-section (1) of Section 11 of the Act shall be signed and authenticated by the Secretary.

(8) The Annual Statement of Accounts shall be submitted to the Audit Officer on or before 30 June following the year to which the accounts relate; and the Audit Officer shall audit the accounts of the Commission and report thereon.

(9) On receipt of Audit Report, the Commission shall within three months remedy any defect or irregularity pointed out therein and report to the Central Government and to the Audit Officer about the action taken by it thereon.

4. *Annual Report of the Commission.-*

(1) The Secretary, or any other officer of the Commission duly authorised by the Secretary in this behalf, shall prepare in Form B the Annual Report referred to in Section 12 of the Act on or before the 31st day of July following the financial year to which that Report relates.

(2) The Annual Report referred to in sub-rule (1) after approval by the Commission shall be signed and authenticated by the Secretary.

(3) Copies of the authenticated report shall be submitted by the Secretary to the Central Government by the end of August, following the year to which the Annual Report relates, to enable the Central Government to take action as required under Section 13 of the Act.

FORM A
Accounts of the Commission
[See Rules 3-6]

[This lengthy Form- in 4 parts and 8 schedules- is not reproduced here]

FORM B
Annual Report
[See Rule 4(1)]

ANNUAL REPORT FOR THE FINANCIAL YEAR APRIL 19-----to March 19-----

1. Introductory
2. Constitution of Commission [including changes therein]
3. Meetings of the Commission
4. Highlights of the year
5. Tours and visits

6. An evaluation of the progress of development of Minorities under the Union and States
 7. A report on the monitoring of the working of the safeguards provided in the Constitution and laws enacted by Parliament and the State Legislatures
 8. Recommendations for the effective implementation of safeguards for the Minorities and action thereon
 9. A report on the specific complaints regarding deprivation of rights of and safeguards for the Minorities and action thereon
 10. A report on the studies undertaken into problems arising out of any discrimination against Minorities and the measures for their removal
 11. A report on the studies, research and analysis conducted by the Commission on the issues relating to socio-economic and educational development of Minorities
 12. Measures in respect of any Minority to be undertaken by the Central Government or the State Governments
 13. Matters referred to the Commission by the Central Government
 14. Administrative set up of the Commission [including finances and accounts and implementation of official language]
 15. Conclusion and recommendations
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