NEW DELHI, the 29th January, 1996

OFFICE MEMORANDUM

Subject - Perquisites and some important terms and conditions for the Chairperson and Members of the Regulatory Authorities and allied matters - Policy regarding -

As the Ministries/Departments are aware, during the last few years a number of Regulatory Authorities have been set up and some more are proposed to be set up as a part of Government's efforts to restructure the administrative machinery consistent with the ongoing economic reforms and emphasis on a more effective and result-oriented administrative structure. In this context, the question of laying down uniform terms and conditions of appointment and perquisites in respect of the Chairperson and the Members of various Regulatory Authorities was under the consideration of the Government for sometime past and it has now been decided to prescribe uniform guidelines as annexed to this Office Memorandum.

2. These guidelines will be applicable to Regulatory Authorities where the appointments have not been announced so far, where there are constitutional or statutory obligations to prescribe terms and conditions different from those being specified in these guidelines or where terms and conditions have already been offered to a Chairperson and/or Member(s). In cases where a retired Judge of the Supreme Court or of the High Court has already been appointed as Chairperson or Member, the provisions of OM No. 19046/7/60-E.Iv dated the October 8, 1967 of the Department of Expenditure would be applicable.

3. It is, however, clarified that unless there is a constitutional or statutory obligation to the contrary, a Chairperson or Member appointed to the existing Regulatory Authorities subsequent to issue of these guidelines would be governed by the guidelines being now prescribed.
4. While offering appointment to any new incumbent as Chairperson or Member, the terms and conditions of appointment being prescribed hereby should clearly be indicated in the letter of offer and the written consent of the appointee obtained before the letter of appointment is issued or before assumption of charge by the incumbent.

5. The Chairperson and Member(s) shall be deemed to have retired from Government Service upon taking up their respective appointments in the Regulatory Authority.

6. The above-mentioned Office Memorandum dated Oct. 8, 1981 is being separately amended by the Department of Expenditure in the light of these guidelines.

7. The Ministries of Agriculture & Cooperation etc. are advised to keep these guidelines in view while framing the statutory rules and executive instructions or while sending draft terms and conditions for such appointments for the consideration of this Department and the Ministry of Finance.

8. Hindi version will follow.

HARINDER SINGH
JOINT SECRETARY TO THE GOVT. OF INDIA

To

All Ministries/Department of the Government of India. (As per standard list)

No. 3/6/97-Estt. (Pay II) Dated the 27th Jan. 1998

Copies also forwarded to:

1. The Comptroller & Auditor General of India and all States under his control.

2. Registrar General, Supreme Court of India.

3. Secretaries to Union Public Service Commission/ Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission / President's Secretariat / Vice President's Secretariat/Prime Minister's Office/Planning
PERQUISITES AND SOME IMPORTANT TERMS AND CONDITIONS FOR THE CHAIRPERSON AND MEMBERS OF THE REGULATORY AUTHORITIES - POLICY REGARDING

(a) TENURE: The term of appointment of the Chairperson and Members would be a uniform period of five years or till the age of 65 years (in the case of Chairperson) or 62 years (in the case of Members), whichever is earlier.

(b) ELIGIBILITY FOR REEMPLOYMENT: A Member would be eligible for appointment as Chairperson of the same Authority but no Chairperson or Member would be eligible for reemployment under the Central Government or any body/authority substantially financed by the Central Government unless he has cooled off for a period of two years. Similarly, for two years no Chairperson or Member would be eligible to take up private employment after demitting office, without the permission of the Government in the organisations that fell within the operational jurisdiction of the concerned Regulatory Authority.

(c) PAY: The Chairperson would be eligible for pay not exceeding Rs. 26000/- p.m. (fixed) and Members would be eligible for pay scale not exceeding Rs. 22400 - 24500. The pay will be fixed in accordance with the prevailing orders i.e. pay minus pension.

(d) GPF/CPF, PENSION AND GRATUITY: The Chairperson and Members would be governed by Contributory Provident Fund Rules and no option to subscribe under GPF Rules will be available. Additional pension and gratuity will not be admissible for service rendered in the Regulatory Authority.

(e) DA & CCA: The Chairperson and Members shall be entitled to Dearness Allowance and City Compensatory Allowance at the rate admissible to officers of equivalent pay in the Government.

(f) LTC, TA & DA: Travelling Allowance and Daily Allowance on tour shall be paid to the Chairperson and Members as applicable to Government Servants drawing that basic pay. They would also be entitled to facility of temporary
Government accommodation in Guest Houses/Inspection Bungalows under the control of the Central Government, wherever applicable, on payment of normal rent at out-stations, of the class to which Government Servants of equivalent pay are eligible.

(g) VISITS ABROAD: Official visits abroad by the Chairperson and any Member would be undertaken only in accordance with the Government orders as applicable to officers of equal grade in Government of India. In regard to official delegations abroad in which both the administrative Secretary and the Chairperson or Member of the Regulatory Authority are included, the Secretary would lead the delegation. For domestic tours the Chairperson would keep the Secretary of the administrative Ministry/Department informed.

(h) ACCOMMODATION: The Chairperson and Members of a Regulatory Authority located in Delhi or in one of its satellite towns would be given the option of claiming House Rent Allowance @ 30% of the basic pay drawn if they stay at Delhi but no house would be hired by the Authority or allotted by the Government. Outside Delhi, Members and the Chairperson would be entitled to rented unfurnished accommodation with built-up area measuring around 300 sqm. for Members and 350 sqm. for the Chairperson with suitable open land area appurtenant as permissible under the regulations of the concerned municipal bodies. The same facility would be extended to retired Judges of the Supreme Court and High Court as well, instead of the present facility (rent free accommodation or 12-1/2% HRA).

(i) SUMPTUARY ALLOWANCE: The Chairperson and Members would not be entitled to Sumptuary Allowance (which is admissible only to serving Supreme Court and High Court Judges).

(j) MEDICAL FACILITIES: The Chairperson and Members shall be entitled to Medical treatment and Hospital facilities as provided in the Central Government Health Service Scheme for retiredGovt. Servants. At places where the CGHS Scheme is not in operation Chairpersons and Members who are not Govt. Servants shall be entitled to the facilities as provided in the Central Service (Medical Attendance) Rules.

(k) TRANSPORT: No Regulatory Authority shall purchase any passenger vehicle. Instead, a Chairperson and Member would be eligible for fixed reimbursement between Rs. 3000/- and Rs.
5000/- p.m. as laid down by DoPT from time to time for the use and maintenance of his personal car for transportation between residence and office. This would include the salary of a driver who would not be a Govt. servant.

(1) STATUS: No Chairperson and Member would be accorded Ministerial status and the previous status of the appointee shall not be treated as a precedent for determining the status accorded to the Chairperson /Member. In exceptionally meritorious cases, the Ministry of Home Affairs would be consulted, along with full justification, which would approach the Standing Committee of Secretaries, wherever necessary, as laid down in Cabinet Sectt. instructions No. 99/1/5/95-Cab. dated November 15, 1996.

(m) LEAVE: A Chairperson or Member would be entitled to 30 days of Earned Leave for every year of Service. The payment of leave salary during leave shall be governed by Rule 40 of CCS (Leave) Rules, 1972. A person would be entitled to encashment of 50% of Earned Leave to his credit at any time.

(n) ADMINISTRATIVE & OTHER RESIDUARY MATTERS: Administrative matters relating to the operations of a Regulatory Authority or the conditions of service of the Chairperson and a Member, with respect to which no express provision has been made in these instructions, shall be referred in each case to the Central Government for its decision and the decision of the Central Government thereon shall be binding on the Regulatory Authority.