

No.DI/RTI/GSIC/Serv.Cond.-/06/434

Government of Goa,

Department of Information & Publicity,

3rd Floor, Udyog Bhavan,

Panaji – Goa.

Dated: May 8, 2007.

ORDER

According to Section 16(5)(a) of the Right to Information Act, 2005, 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 and Election Commissioner of India, and as per Section 16(5)(b) of the Right to Information Act, 2005, 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. Accordingly, in pursuance of the aforesaid provisions and provisions of the 'The Chief Election Commissioner and other Elections Commissioners (Conditions of service) Act, 1991as amended by the 'The Chief Election Commissioner and other Election Commissioners (Conditions of service) Act, 1993' read with Supreme Court Judges (Salaries and conditions of service) Act, 1958 and Supreme Court Judges Rules, 1959, the terms & conditions of service of the State Chief Information Commissioner and the State Information Commissioner, as approved by the Government, are as follows:

Terms and Conditions of Service of the Chief State Information Commissioner

Tenure: -

The Goa State Chief Information Commissioner/State 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 reappointment. The State Information Commissioner shall be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub section (3) of Section 15 of the Act. Where the State Information Commissioner is appointed as State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and State Chief Information Commissioner.

Pay: -

The State Chief Information Commissioner shall draw a pay of Rs.30, 000 p.m. (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 Governments, his salary in respect of the service as State Chief Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits.

Sumptuary Allowance: -

A monthly sumptuary allowance as admissible to the Election Commissioner shall be admissible to the State Chief Information Commissioner. Accordingly he is entitled to Rs. 7500/- (Rupees seven thousand five hundred only) per month.

Provident Fund: -

The State Chief Information Commissioner shall be entitled to subscribe to the General Provident Fund (Central Services

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 Indian Administrative Service.

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

The State Chief Information Commissioner 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 he demits office by resignation, they are 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.

Leave Sanctioning Authority :-

The Governor of Goa shall be the leave sanctioning authority for the State Chief Information Commissioner and State Information Commissioner. (G.O.I. Department of Personnel, Public Grievances, Pension and Training letter No.4/2/2006-IR dated 8.11.2006 circulated vide letter No.2/2/2001-PER dated 28.11.2006 of the Department of Personnel, Government of Goa).

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 appurtenant 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 HRA 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.

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 Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991, they are 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 and his family are entitled under any rules or orders of the Central Government for the time being in force.

Conveyance facilities: -

The State Chief Information Commissioner shall be entitled to a staff car and 200 litres fuel per month or the actual consumption of fuel whichever is less.

TALTC: -

The State Chief Information Commissioner shall be entitled to Traveling Allowance/LTC as applicable to the Election Commissioner who are entitled to TA (Tour) and TA (Transfer/Retirement) as per the provisions contained in the "Supreme Court Judges (TA) 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 President 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 Mumbai, 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, Chief Election Commissioner/Election Commissioners, the State Chief Information Commissioner is also entitled to LTC 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.

Attendants at residence: -

The State Chief Information Commissioner shall be entitled for the service of three Muster Roll Peons of his choice as given to the State Chief Secretary by Order No.7/3/90-Fin(EXP) dated 24/9/2003 issued by the Finance (Exp.) Department, Government of Goa.

Pension: -

In terms of section 6(2) of the CEC and Other ECs (Conditions of service) Act, 1991 the CEC and ECs 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 the State Chief Information Commissioner in terms of section 16(5)(a) of RTI 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.2,70,000 per annum.

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

Newspapers and magazines: -

The State Chief Information Commissioner shall be entitled to a maximum amount of Rs.750/- per month for subscription of newspapers and magazines of his choice as are supplied to the Chief Secretary by Order No. No.Fin/Exp/4204/79-Part dated 27/5/2004 issued by the Finance (Exp.) Department, Government of Goa.

Post Retirement benefits :-

As in the case of Supreme Court Judges/Election Commissioners, the State Chief Information Commissioner is also entitled during his lifetime a payment of Rs.4000 (Rs. Four thousand only) per month for defraying the services of an orderly. He is 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).

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 Chief Election commissioner and Election commissioners respectively.

Terms and Conditions of Service of the State Information Commissioner**Tenure: -**

The Goa State 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 Information Commissioner shall be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub section (3) of Section 15 of the Act. Where the State Information Commissioner is appointed as State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and State Chief Information Commissioner.

Pay: -

The State Information Commissioner shall be entitled to the salaries and allowances and other terms and conditions as applicable to the Chief Secretary to the Government of Goa. In case the State Information Commissioner is in receipt of a pension (other than disability or wound pension), his salary as State 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 Governments, his salary in respect of the service as State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits.

Leave Sanctioning Authority: -

The Governor of Goa shall be the leave sanctioning Authority for the State Information Commissioner (G.O.I. Department of Personnel, Public Grievances, Pension and Training letter No.4/2/2006-IR dated 8.11.2006 circulated vide letter No.2/2/2001-PER dated 28.11.2006 of the Department of Personnel, Government of Goa)

Conveyance facilities: -

The State Information Commissioner shall be entitled to staff car and 200 liters fuel per month or actual consumption of fuel whichever is less.

Attendants at residence: -

The State Information Commissioner shall be entitled to three Mustor Roll Peons of his choice as given to the State Chief Secretary by Order No. 7/3/90-Fin(EXP) dated 24/9/2003 issued by the Finance (Exp.) Department, Government of Goa.

Newspapers and magazines: -

The State Information Commissioner shall be entitled to maximum amount of Rs.750/- per month for subscription of newspapers and magazines of his choice as are supplied to the Chief Secretary by Order No.Fin/Exp/4204/79-Part dated 27/5/2004 issued by the Finance (Exp.) Department, Government of Goa.

Payment of Water Bills

The State Information Commissioner shall be entitled for payment of water bills of his residence as is admissible to the Chief Secretary to the Government of Goa.

Medical Facilities

The State Information Commissioner shall be entitled to the Medical facilities for treatment and accommodation in hospitals as per provisions applicable in case of the Chief Secretary to the Government of Goa.

Other conditions of service: -

The other conditions of service of the State Information Commissioner with respect to which no express provision has been made shall be as applicable to the Chief Secretary to the Government of Goa.

By Order and in the name of
Governor of Goa

(Menino Peres)
Director of Information & Publicity
&
Ex-Officio Jt. Secretary to the Govt.

To,

The Director,

Govt. Printing Press, Panaji,- Goa. He is requested to publish the same in the official Gazette and send 5 copies to this Deptt. for record.

Copy to :

1. The Director of Accounts, Panaji – Goa.
2. The State Chief Information Commissioner, Shrama Shakti Bhavan, Patto, Panaji – Goa.
3. The State Information Commissioner, Shrama Shakti Bhavan, Patto, Panaji – Goa.
4. The Chief Secretary, Secretariat, Porvorim – Goa.
5. The Special Secretary (Inf.), Secretariat, Porvorim – Goa.
6. The Secretary to the Goa State Information Commission, Shrama Shakti Bhavan, Patto, Panaji – Goa.
7. The Sr. Dy. Accountant General of Audit, Porvorim – Goa.
8. The Guard file.
9. O/c.