EXTRACT FROM THE GAZETTE OF INDIA : PART II, SEC. 3, SUB-SEC. (i)

Appearing on Page Nos. 964—970

Dated 30-7-2011

सामाजिक न्याय और अधिकारिता मंत्रालय

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

अधिसूचना

नई दिल्ली, 14 जुलाई, 2011

सा.का.नि. 221.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और अनुसूचित जातियों के लिए राष्ट्रीय आयोग (समूह "क" पद) भर्ती नियम, 2006 को, उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है, सामाजिक न्याय और अधिकारिता मंत्रालय के राष्ट्रीय अनुसूचित जाति आयोग में विधि अधिकारी के पद पर भर्ती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाती हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम राष्ट्रीय अनुसूचित जाति आयोग (विधि अधिकारी) भर्ती नियम, 2011 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. पद संख्या, वर्गीकरण तथा वेतन बैंड और ग्रेड वेतन या वेतनमान.—उक्त पद की संख्या, उसका वर्गीकरण और उसका वेतनमान वह होगा, जो इन नियमों से उपाबद्ध अनुसूची के स्तंभ (2) से स्तंभ (4) में विनिर्दिष्ट हैं ।

3. भर्ती की पद्धति, आयु-सीमा और अर्हताएं, आदि.—भर्ती की पद्धति, आयु-सीमा, अर्हताएं और उससे संबंधित अन्य बातें वे होंगी जो उक्त अनुसूची के स्तंभ (5) से स्तंभ (14) में विनिर्दिष्ट हैं ।

4. निरर्हता.—वह व्यक्ति,—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित रहते हुए किसी व्यक्ति से विवाह किया है,

उक्त पद पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह, ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञेय है और ऐसा करने के लिए अन्य आधार हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी ।

5. शिथिल करने की शक्ति.—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहां वह उसके लिए जो कारण हैं उन्हें लेखबद्ध करके, तथा संघ लोक सेवा आयोग से परामर्श करके, इन नियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों की बाबत, आदेश द्वारा शिथिल कर सकेगी ।

6. व्यावृति.—इन नियमों की कोई बात, ऐसे आरक्षण, आयु-सीमा में छूट और अन्य रियायतों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों, अन्य पिछड़े वर्गों, और अन्य विशेष वर्ग के व्यक्तियों के लिए उपबंध करना अपेक्षित है ।

(12)
अवधि के भीतर सेवानिवृत्त होने वाले हैं या रिजर्व में स्थानांतरित किए जाने वाले हैं और जिनके पास अपेक्षित अर्हता और अनुभव हैं । ऐसे व्यक्तियों को उस तारीख तक प्रतिनियुक्ति निबंधनों पर रखा जाएगा जिस तारीख वे उन्हें सशस्त्र बल से निर्मुक्त किया जाना है । तत्पश्चात् उन्हें पुनर्नियोजन के आधार पर बने रहने दिया जा सकता है । (सिविल पदों के प्रतिनिर्देश से अधिवर्षिता की आयु तक पुनर्नियोजन) । **टिप्पण 1 :** प्रतिनियुक्ति की अवधि (जिसके अंतर्गत अल्पकालिक संविदा भी है) केन्द्रीय सरकार के उसी या किसी अन्य संगठन या विभाग में इस नियुक्ति से ठीक पहले धारित किसी अन्य काडर बाह्य पद पर प्रतिनियुक्ति की अवधि (जिसके अंतर्गत अल्पकालिक संविदा भी है) साधारणतया चार वर्ष से अधिक नहीं होगी । प्रतिनियुक्ति द्वारा नियुक्ति (जिसके अंतर्गत अल्पकालिक संविदा भी है) के लिए अधिकतम आयु-सीमा आवेदन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी । **टिप्पण 2 :** प्रतिनियुक्ति या आमेलन के आधार पर नियुक्ति के प्रयोजन के लिए किसी अधिकारी द्वारा 1 जनवरी, 2006 से पहले, उस तारीख से जिससे छठे केंद्रीय वेतन आयोग की सिफारिशों पर आधारित पुनरीक्षित वेतन संरचना का विस्तार किया गया है, नियमित आधार पर की गई सेवा को, सिवाय उस दशा के जहां एक से अधिक पूर्व पुनरीक्षित वेतन का साधारण ग्रेड वेतन या वेतनमान, सहित एक श्रेणी में विलय हो गया है और वहां यह लाभ केवल उस पद (उन पदों) पर विस्तारित होगा, जिसके लिए ग्रेड वेतन या वेतनमान बिना किसी उन्नयन का साधारण प्रतिस्थापन ग्रेड है, वेतन आयोग की सिफारिशों पर आधारित विस्तारित तत्स्थानी ग्रेड वेतन या वेतनमान पर की गई सेवा समझी जाएगी ।

यदि विभागीय प्रोन्नति समिति है, तो उसकी संरचना	भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा
(13)	(14)
समूह "क" विभागीय प्रोन्नति समिति (सीधे भर्ती किए जाने वाले व्यक्तियों की पुष्टि के संबंध में विचार करने के लिए) :— 1. सचिव, राष्ट्रीय अनुसूचित जाति आयोग —अध्यक्ष 2. संयुक्त सचिव (अनुसूचित जाति विकास), सामाजिक न्याय और अधिकारिता मंत्रालय —सदस्य 3. संयुक्त सचिव, राष्ट्रीय अनुसूचित जाति आयोग —सदस्य	प्रत्येक अवसर पर संघ लोक सेवा आयोग से परामर्श करना आवश्यक है ।

[फा. सं. 13040/21/2000-एस सी डी-VI]

एम. ए. मुरलीधरन, उप सचिव

NOTIFICATION

New Delhi, the 14th July, 2011

G.S.R. 221.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the National Commission for Scheduled Castes (Group 'A' Post) Recruitment Rules, 2006, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the post of Law Officer in the National Commission for Scheduled Castes, Ministry of Social Justice and Empowerment, namely :—

1. Short title and commencement.—(1) These rules may be called The National Commission for Scheduled Castes (Law Officer), Recruitment Rules, 2011.

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

2. Number of posts, classification and pay band and grade pay or scale of pay.—The number of the said post, its classification and the scale of pay attached thereto, shall be as specified in columns (2) to (4) of the Schedule annexed to these rules.

3. Method of recruitment, age limit and qualifications, etc.— The method of recruitment, age limit, qualifications and other matters connected thereto shall be as specified in columns (5) to (14) of the said Schedule.

4. Disqualification. —No person,—

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to any of the said post :

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving.—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of the post	Number of posts	Classification	Pay Band and Grade Pay/Pay Scale	Whether selection post or non-selection post	Whether benefit of added years of service admissible	Age limit for direct recruits
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Law Officer	1* (2011) *Subject to variation dependent on workload.	General Central Service, Group 'A', Gazetted, (Non-Ministerial)	Pay Band-3, in the pay scale of Rs. 15600—39100 with Grade Pay Rs. 6600	Not applicable	Not applicable	Not exceeding 40 years. (Relaxable for Government servants up to five years in accordance with the instructions or orders issued by the Central Government). **Note :** The crucial date for determining the age limit shall be as advertised by the Union Public Service Commission.

Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any
(8)	(9)	(10)
Master's degree in law of a recognised University or Institute and possessing five years' teaching and/or research experience in law; Or Bachelor's degree in law of a recognised University or Institute and possessing seven years' teaching and/or research experience in law; Or	Not applicable	One year for direct recruits

(8)
Should have been a member of State Judicial Service for seven years; Or Should be a qualified legal practitioner i.e. Advocate (within the meaning of Advocates Act, 1961), who has practiced as such for seven years. **Note 1 :** In computing the period during which a person has held an office in the State Judicial Service, there shall be included any period during which he has held any other legal posts or any period during which he has been a legal practitioner. **Note 2 :** In computing the period during which a person has been qualified legal practitioner there shall be included any period during which he has held any office in the State Judicial Service or has held a legal post in the department of the State or Central Government, Union Territory, Government Research Institute or other research insititute of recognised Univeristies. **Note 3 :** Qualifications are relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing, in case of candidates otherwise well qualified. **Note 4 :** The qualification regarding experience is relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing, in case of candidates belonging to Scheduled Castes or Scheduled Tribes, if at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Method of recruitment : Whether by direct recruitment or by promotion or by deputation/ absorption and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion or deputation/absorption, grades from which promotion or deputation or absorption to be made
(11)	(12)
Deputation (including short-term contract)/ absorption or re-employment of ex-servicemen, failing which by direct recruitment.	**Deputation (including short-term contract)/absorption/re-employment :** Officers under the Central or State Governments or Union Territories or Universities recognised Research Institutions or Public Sector Undertakings or Semi-Government or Statutory or Autonomous Organisations :— (a) (i) holding analogous posts on regular basis in the parent cadre or department; Or (ii) with five years' service in the grade rendered after appointment thereto on a regular basis in Pay Band-3 in the Scale of Pay of Rs. 15600—39100 with Grade Pay of Rs. 5400 or equivalent in the parent cadre or department; Or

(12)

(iii) with six years' service in the grade rendered after appointment thereto on a regular basis in Pay Band-2 in the Scale of Pay of Rs. 9300—34800 with Grade Pay of Rs. 4800 or equivalent in the parent cadre or department; and

(b) possessing the educational qualifications and experience prescribed for direct recruits under column (8).

Absorption :

Only officers of the Central Government or State Governments and Union Territories shall be eligible for consideration for appointment on absorption basis.

Re-employment for Armed Forces Personnel :

The Armed Forces Personnel of the rank of Captain or equivalent due to retire or who are to be transferred to reserve within a period of one year and having requisite qualifications and experience shall also be considered while selecting persons for appointment on deputation (including short-term contract). Such persons shall be given deputation terms up to the date in which they are due to release from the Armed Forces and thereafter, they may be continued on re-employment (Re-employment up to the age of superannuation with reference to civil post).

Note 1 : Period of deputation (including short-term contract) including period of deputation (including short-term contract) in another ex-cadre post held immediately preceding this appointment in the same or some other organisation or department of the Central Government shall ordinarily not to exceed four years. The maximum age limit for appointment by deputation (including short-term contract) shall not be exceeding 56 years as on the closing date of receipt of applications.

Note 2 : For the purposes of appointment on deputation or absorption basis, the service rendered on a regular basis by an officer prior to 1st January, 2006, the date from which the revised pay structure based on the Sixth Central Pay Commission recommendations has been extended, shall be deemed to be service rendered in the corresponding grade pay or pay scale extended based on the recommendations of the Pay Commission, except where there has been merger of more than one pre-revised scale of pay into one grade with a common Grade Pay or Pay Scale, and where this benefit will extend only for the post(s) for which that Grade Pay or Pay Scale is the normal replacement grade without any upgradation.

If a Departmental Promotion Committee exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
(13)	(14)
Group 'A' Departmental Promotion Committee (for considering confirmation of direct recruits) :— 1. Secretary, National Commission for Scheduled Castes —Chairman 2. Joint Secretary (Scheduled Castes Development), Ministry of Social Justice and Empowerment —Member 3. Joint Secretary, National Commission for Scheduled Castes —Member	Consultation with Union Public Service Commission necessary on each occasion.

[F. No. 13040/21/2000-SCD-VI]

M. A. MURALEEDHARAN, Dy. Secy.

MGIPRRND—2891 SJ&E/11—200 Copies.