

151. THE INFORMATION TECHNOLOGY (SALARY, ALLOWANCES AND TERMS AND CONDITIONS OF SERVICE OF THE DIRECTOR GENERAL, INDIAN COMPUTER EMERGENCY RESPONSE TEAM) RULES, 2012

Ministry of Communication and Information Technology (Deptt. of Electronics and Information Technology), Noti. No. G.S.R. 51(E), dated January 24, 2013, published in the Gazette of India, Extra., Part II, Section 3(1), dated 29th January, 2013, pp. 7-10, No. 45.—In exercise of the powers conferred by clause (ze) of sub-section (2) of Section 87, read with sub-section (3) of Section 70-B of the Information Technology Act, 2000 (21 of 2000), and in supersession of the Ministry of Communication and Information Technology, Department of Information Technology, Director-General (Indian Computer Emergency Response Team) Group 'A' post Recruitment Rules, 2009. except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules regulating the qualifications, experience and other terms and conditions of service of the Director General, Indian Computer Emergency Response Team, namely—

1. Short title and commencement.—(1) These rules may be called the Information Technology (Salary, Allowances and Terms and Conditions of Service of the Director General, Indian Computer Emergency Response Team) Rules, 2012.

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

2. Definitions.—In these rules, unless the otherwise requires,—

- (a) "Act" means the Information Technology Act, 2000 (21 of 2000);
- (b) "Director General" means the Director General appointed under sub-section (2) of Section 70-B of the Act;
- (c) "ICERT" means Indian Computer Emergency Response Team notified under sub-section (1) of Section 70-B of the Act.

3. Educational qualification and experience.—No person shall be appointed as a Director General unless he has,—

- (i)(a) Doctorate in Science/Engineering and fifteen years' experience out of which five years should be at senior management level in Information Technology (IT) or related sectors; or
- (b) Master's Degree in Science or Engineering or Technology and eighteen years' experience out of which five years should be at senior, management level in Information Technology (IT) or related sectors; or
- (c) Bachelor's Degree in Engineering or Technology and twenty years' experience out of which five years should be at senior

management level in Information Technology (IT) or related sectors; and

- (ii) a minimum of two years' experience in the area of cyber security, guiding teams in handling cyber security incidents, interface with information security auditors and other security agencies.

4. Terms and conditions of service of the Director-General.—The Director General shall hold office for a period of five years, and shall be eligible for re-appointment :

Provided that, no person shall hold office beyond the age of 65 years.

5. Pay and allowances.—The Director General shall be paid the pay and allowances as admissible to an Additional Secretary to the Government of India including all the benefits that an Additional Secretary is entitled to :

Provided that, the pay and allowances of such a Director General shall be reduced by gross amount of pension and pension equivalent of gratuity or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any, drawn by him.

6. Provident Fund.—The Director General, Indian Computer Emergency Response Team shall be governed by the provision of the Contributory Provident Fund (India) Rules, 1962 and is not entitled to subscribe under General Provident Fund.

7. Pension.—The Director General shall be deemed to have retired from Government Service upon taking up respective appointment in the Indian Computer Emergency Response Team and not entitled for any pension and gratuity for the service rendered in the Indian Computer Emergency Response Team.

8. Dearness Allowance.—The Director General shall be entitled to Dearness Allowance at the rate admissible to the officers of equivalent pay in the Central Government.

9. Leave Travel Concession, Travelling Allowance and Dearness Allowance on tour.—Travelling Allowance and Daily Allowance on tour shall be paid to the Director General as applicable to Central Government servants drawing same basic pay. They would also be entitled to facility of temporary Government accommodation in Guest House or 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.

10. Visits abroad.—Official visits abroad by the Director General would be undertaken only in accordance with the Government orders as applicable to officers of equivalent grade in Government of India. In regard to official delegations abroad in which both the Secretary, Department of Electronics and Information Technology and the Director General are included, the Secretary would lead the delegation. For domestic tours the Director General would keep the Secretary, Department of Electronics and Information-Technology informed about the tour programme.

11. Accommodation.—The Director General 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 and not entitled for any house allotment by the Central Government or any house hired by the Indian Computer Emergency Response Team.

12. Medical facilities.—The Director General shall be entitled to Medical Treatment and Hospital facilities as provided in the Central Government Health Service Scheme for retired Government Servants. At places where the Central Government Health Scheme is not in operation, Director General, who is not a Government Servant shall be entitled to the facilities as provided in the Central Service (Medical Attendance) Rules.

13. Leave.—Director General would be entitled to thirty days of Earned Leave for every year of service. The payment of leave salary during leave shall be governed by Rule 40 of Central Civil Service (Leave) Rules, 1972. He would be entitled to encashment of fifty per cent of Earned Leave to his credit at any time.

14. Administrative and other residuary matters.—Administrative matters relating to the operations of Indian Computer Emergency Response Team or the conditions of service of the Director General, 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 Indian Computer Emergency Response Team.
