

The Orissa Human Rights Commission (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2003

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Rule

THE-ORISSA-HUMAN-RIGHTS-COMMISSION-SALARIES-ALLOWANCE of 2003

- Published on 23 October 2003
- Commenced on 23 October 2003
- [This is the version of this document from 23 October 2003.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Human Rights Commission (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2003 Published vide Notification S.R.O. No.599/200, dated 23rd October 2003, Orissa Gazette Extraordinary No. 1631 dated 27.10.2003 Law Department S.R.O. No.599/200. - In exercise of the powers conferred by Sub-section (1) of Section 41 read with Section 26 of the Protection of Human Rights Act, 1993 (10 of 1994), the State Government hereby makes the following rules, namely :

1. Short title and Commencement.

(1) These rules may be called the Orissa Human Rights Commission (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2003. (2) They shall come into force on the 11th day of July 2003.

2. Definitions.

(1) In these rules, unless the context otherwise requires -(a) "Act" means the Protection of Human Rights Act, 1993 (10 of 1994); (b) "Chairperson" means the Chairperson of the Orissa Human Rights Commission. (c) "Commission" means the Orissa Human Rights Commission constituted under Sub-section (1) of Section 21 of the Act; (d) "Governor" means the Governor of

Orissa;(e)"Government" means the Government of Orissa; and(f)"Member" means the members of the Orissa Human Rights Commission constituted under Sub-section (1) of Section 21 of the Act.

3. Salary and Allowances.

- There shall be paid to -(a)the Chairperson, the salary and allowances equal to the salary and allowances of the Chief Justice of a High Court;(b)a Member, the salary and allowances of a Judge of a High Court :Provided that if the Chairperson or a Member at the time of his appointment is in receipt of or being eligible to receive any pension and had elected to draw or receive the pension (Other than disability or wound pension) in respect of any previous service under the Government of the Union or of a State, his salary in respect of service as a Chairperson or as the case may be a Member, shall be reduced -(i)by the amount of that pension;(ii)if he had, before assuming office, received in lieu of a pension due to him in respect of such previous service, the commuted value of that portion of the pension; and(iii)by any other form of retirement benefits, including Temporary Increase being drawn or availed of by him.(2)A person who on the date of appointment as a Member of the Commission, was in the service of the Government of India or the Government of Orissa as a District Judge or any officer, shall be deemed to have retired from service with effect from the date on which he enters upon his office as a Member of the Commission.

4. Leave.

(1)A person, on appointment as Chairperson or as a Member shall be entitled to leave as follows :
(i)earned leave at the rate of fifteen days for every completed calendar year of service or a proportionate number of days for a part thereof and the leave salary for earned leave shall be equivalent to his salary drawn prior to proceeding on leave;(ii)half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed calendar year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;(iii)leave on half pay can be computed to full pay leave if it is taken on self Medical ground and is supported by a Medical Certificate from the competent medical authority;(iv)extraordinary leave without pay and allowances up to a maximum of one hundred eighty days in one term of office; however, there shall be no break in the term of office due to such leave if availed on the ground of self illness;(2)On the expiry of a term in the Commission, the Chairperson and Members shall be entitled to receive cash equivalent of leave salary in respect of earned leave standing to his credit subject to condition that the maximum of leave encashed under this sub-rule or at the time of retirement from previous service, as the case may be or taken together shall not in any case exceed 300 days.(3)The Chairperson and the Members shall be entitled to receive dearness allowance as admissible on the leave salary under sub-rule (2) at the rates in force on the date of the relinquishment of their office in the Commission ;Provided that he shall not be entitled to city compensatory allowance or any other allowance on such leave.(4)If a sitting Judge of the High Court is appointed as a Member, then notwithstanding anything contained in sub-rules (1), (2) or (3) the provision of chapter II of the High Court Judges (Conditions of Service) Act, 1954 shall apply to him up to the date of his superannuation as a sitting Judge of a High Court and thereafter he shall be entitled to leave in accordance with the provisions of sub-rules (1) to (3) of this rule.

5. Casual Leave.

(1) Casual Leave is admissible to the Chairperson and the Members up to 15 days in a calendar year. Casual leave for the Chairperson shall be sanctioned by the Governor and for the Members by the Chairperson. (2) Casual leave combined with Sundays and other authorised holidays should not exceed 10 days at a time.

6. Leave Travel Concession.

- The Chairperson and the Members shall be entitled to leave travel concession at the same rate and at the same scale and on the same conditions as are applicable to a Judge of a High Court.

7. Authority competent to grant leave.

- The power to grant or refuse leave to the Chairperson or a Member and to revoke or curtail leave granted to him, shall vest with the Governor.

8. Travel allowances.

- The Chairperson and the Members, while on tour (Including the journey undertaken to join the Commission on the expiry of his term with the Commission to proceed to his home town) shall be entitled to travel allowances, allowances for transportation of personal effects and other similar matters and daily allowances at the same rates as are admissible to a Judge of a High Court.

9. Other conditions of service.

- The conditions of service-relating to provision for rent free accommodation, conveyance facilities, medical facilities and such other conditions of service as are, for the time being, applicable to a Judge of a High Court under Chapter IV of the High Court Judges (Conditions of Service) Act, 1954 and the rules made thereunder shall, so far as may, apply to the Chairperson and the Members.

10. Residuary Provision.

- The conditions of service of the Chairperson and the Members for which no express provision is made in these rules shall be determined by the rules and orders for the time being applicable to the highest civil servant of the Government of Orissa.

11. Pensions to services in the Commission.

- Pension (1) Every person appointed to the Commission as the Chairperson or a Member shall be entitled to pension provided that no such pension shall be payable -(i) if he has put in less than two years of service with the Commission. (ii) if he has been removed from an office in the Commission under Section 23 of the Act. (2) Pension under sub-rule (1) shall be calculated at the rate of rupees

four thousand seven hundred sixteen per annum :Provided that the aggregate amount of pension payable under this rule together with the amount of any pension including commuted portion of pension (if any), drawn or entitled to be drawn while holding office in the Commission shall not exceed the maximum amount of pension prescribed for a Judge of the High Court.

12. Administration and disciplinary control over the officers, employees and investigating staff.

- In the discharge of their functions under the Act, the officers and employees referred to in Section 27 of the Act shall, while they are in the service of the Commission, be subject to the administrative and disciplinary control of the Commission :Provided that in respect of employees in the service of the Commission on deputation, provisions of the relevant disciplinary rules of the respective services shall be followed.

13. Investigation team.

- The posts would be filled up by deputation from the State Police Organisation in a manner that there is no addition to the existing Police establishment looking after Human Rights on account of the Commission.

14. Relaxation.

- When the Government consider it necessary or expedient to do so in the public interest, they may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons.