



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
POLITICAL (A) DEPARTMENT :: DISPUR

NOTIFICATION

The 28th July, 2020

No.HMA.19011(12)/3/2018-Political(A)/283/eCF-67975:- In exercise of the powers conferred by sub-section (1) of Section 41 of the Protection of Human Rights Act 1993 (Central Act 10 of 1994), and in suppression of the Assam Human Rights Commission (Salaries and Allowances and other Terms and Conditions of the Services of the Members) Rules, 1996, except the things done or omitted to be done before such suppression, the Governor of Assam is hereby pleased to make the following rules namely:-

1.Short title and commencement:

- (1) These rules may be called the "Assam Human Rights Commission (Salaries and Allowances and other Terms and Conditions of Service of the Members) Rules, 2020.
- (2) They shall be deemed to have come into force on the 1st day of April, 2018.

2. Definitions:

- (1) In these rules, unless the context otherwise requires:-
 - (a) "Act" means the Protection of Human Rights Act, 1993 (Central Act 10 of 1994);
 - (b) "Chairperson" means Chairperson of the State Human Rights Commission;
 - (c) "Member" means a Member of the State Human Rights Commission appointed under sub-section (2) of Section 21 of the Act and includes the Chairperson;
 - (d) "State Commission" means the Assam Human Rights Commission constituted under sub-section (1) of Section 21 of the Act ;
 - (e) "leave" includes earned leave;

- (2) Words and expressions used but not defined in these Rules, shall have the same meaning respectively assigned to them in the Act.

3. Salary:

There shall be paid to, —

- (a) the Chairperson, salary and allowances which is equal to the salary and allowances of the Chief Justice of a High Court under the High Court Judges (Conditions of Service) Act, 1954, as amended from time to time.

- (b) a Member, who is or has been a Judge of the High Court of the State, salary and allowances which is equal to the salary and allowances of the High Court under the High Court Judges (Conditions of Service) Act, 1954, as amended from time to time.

Provided that if the Chairperson, or the Member of Assam Human Rights Commission, who at the time of his appointment is in receipt of or is eligible to receive any pension and had elected to draw and receive the pension (other than disability pension) in respect of any previous service under the Central Government or the Government of the State, his salary in respect of the service as a Chairperson or Member shall be reduced,-

- (i) by the amount of that pension;
- (ii) if he had, before assuming office, received in lieu of a portion of pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension; and
- (iii) by any other form of retirement benefits, being drawn or availed of or to be drawn or availed of by him:

Provided further that if a sitting Judge of the High Court is appointed as Member, then notwithstanding anything contained in this rule, the rules regarding pay and allowances applicable to a Judge of the High Court shall be applicable to him till the date of his superannuation, and thereafter the provisions of this rules shall apply to him.

- (c) the Member who has been in the service of the Government, the salary which is equal to his last salary drawn minus pension;
- (d) the Member, who has not been in the service of the Government, the salary which is equal to the salary of a Commissioner & Secretary, Government of Assam belonging to Assam Civil Service.

4. Leave:

- (1) A person on appointment as :-

- (a) the Chairperson shall be entitled to leave, as admissible to the Chief Justice of a High Court;

- (b) a Member shall be entitled to leave as follows,-

- (i) earned leave of fifteen days for every completed calendar year of service or apart thereof;

(ii) half pay leave on medical ground or on private affairs at the rate of twenty days in respect of each completed 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 commuted to full pay leave at the discretion of the Member if it is taken on 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:

Provided that if any Member has been a Judge of the High Court he shall be entitled to leave as admissible to a Judge of the High Court.

(2) On the expiry of the term of office in the Commission, the Chairperson and Member shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit, subject to the 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 allowances as admissible on the leave salary under sub-rule (2) at the rates in force on the date of relinquishment of their office in the State 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 provisions of chapter II of the High Court Judge (Conditions of Service) Act, 1954 shall apply to him upto the date of his superannuation as a sitting Judge of the 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. Leave Travel Concession:

The Chairperson shall be entitled to Leave Travel Concession at the same rates and at the same scales and on the same conditions as are applicable to the Chief Justice of High Court; and Members shall be entitled to Leave Travel Concession at the same rates and at the same scales, and on the same conditions as are applicable to a Commissioner & Secretary to the Government of Assam belonging to the Assam Civil Service.

However, if a sitting Judge of a High Court is appointed as a Member, then notwithstanding anything contained in this rule, the rules applicable to a Judge of the High Court shall be applicable till the date of his superannuation and thereafter the provisions of this rule shall apply.

6. Authority competent to grant:

The Governor shall be the authority competent to sanction leave to the Chairperson and the Chairperson shall be the authority competent to sanction leave to a Member of the Commission.

7. Travel Allowances and Daily Allowances:

- (1) While on tour (including the journey undertaken to join the Commission or on the expiry of his term with the Commission to proceed to his home town) the Chairperson shall be entitled to travel allowance, allowances for transportation of personal effects, daily allowance and other similar matters at the same scales and at the same rates as are admissible to the Chief Justice of a High Court;
- (2) While on tour (including the journey undertaken to join the State Commission or on the expiry of his term with the State Commission to proceed to his home town) the Members shall be entitled to,-
 - (a) travelling allowance, allowances for transportation of personal effects and other similar matter at the same scales and at the same rates as are admissible to a Commissioner & Secretary to the Government of Assam(belonging to the Assam Civil Service);
 - (b) daily allowance at the same rates as are admissible to Commissioner & Secretary to the Government of Assam(belonging to the Assam Civil Service);

Provided that if a sitting Judge of the High Court is appointed as Member, notwithstanding anything contained in this rule, the rules applicable to a Judge of the High Court shall be applicable till the date of his superannuation, and thereafter the relevant provisions of this rule shall apply:

Provided further that where a Member has been a Judge of the High Court, he shall be entitled to travel allowances which are referred in this sub-rule at the same scales and same rates as are admissible to a Judge of the High Court.

8. Other conditions of service:

The conditions of service relating to provisions of accommodation, conveyance facilities, medical facilities and other conditions of service applicable to-

- (i) the Chief Justice of a High Court, shall apply to the Chairperson, and
- (ii) the sitting Judge of the High Court, shall apply to a Member of the Commission who is or has been a Judge of the High Court,
- (iii) a Commissioner and Secretary of the Government of Assam (Assam Civil service) in case of other Members.

9. Provident Fund:

Serving Govt. Servant holding office as a Chairperson or a Member shall be entitled to subscribe to the General Provident Fund.

10. Pension:

The period served as a Chairperson or a Member of the State Human Rights Commission shall not be taken into consideration in any circumstances for calculation of pension and pensionary benefits.

11. Residuary Provisions:

The conditions of service of the Chairperson and the Members for which no express provisions are made in these rules, shall be determined by the rules and orders for the time being applicable to the Chief Justice in case of Chairperson and to the sitting Judge of a High Court in case of Member who is or has been a Judge of the High Court respectively and Commissioner & Secretary of the Government of Assam of Assam Civil Service in case of other Members as the case may be.

12. Power to Relax:

The State Government shall have the power to relax the provisions of any of these Rules in respect of the Commission, whenever and wherever necessary in a just and equitable manner.

JISHNU BARUA,

Additional Chief Secretary to the Govt. of Assam,
Home & Political Department, Dispur.