

## **Bhopal, the 13<sup>th</sup> September 1995**

**No. F.14-15.94-I-13**—In exercise of the powers conferred by sub-section (1) of Section -41 of the Protection of Human Rights Act, 1993 ( No. 10 of 1994), the State Government hereby makes the following rules, namely:--

**1. Short title and commencement – (1)** These rules may be called the Madhya Pradesh Human Rights Commission Chairman and Members (Salaries, Allowances and other Conditions of Service) Rules, 1995

(2) They shall come into force on the date of their publication in the “Madhya Pradesh Gazette”.

**2. Definitions:-** In these rules, unless the context otherwise requires:-

- (a) “Chairman” means the Chairman of the Madhya Pradesh Human Rights Commission;
- (b) “Members” means the Member of the Madhya Pradesh Human Rights Commission constituted under sub-section (1) of Section 21 of the Act;
- (c) “Commission” means the Madhya Pradesh Human Rights Commission constituted under sub-section (1) of Section 21 of the Act;
- (d) “Act” means the Protection of Human Rights Act, 1993 (No.10 of 1994);
- (e) all other words and expressions used in these Rules and not defined but defined in the Act shall have meanings respectively assigned to them in the Act;

**3. Salary and allowances –** There shall be paid to—

- (a) the Chairman, a salary and allowances which is equal to the salary and allowances of the Chief Justice of the High Court of Madhya Pradesh.
- (b) a Member, a salary and allowances which is equal to the salary and allowances of the Judge of the High Court of Madhya Pradesh;

Provided that if the Chairman or a Member at the time of his appointment was in receipt of, or being eligible so to do, had elected to draw, a pension (other than disability or wound pension) in respect of any previous service under the Government of the Union or Government of a State, his salary in

respect of service as a Chairman or a Member as the case may be 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 benefit being drawn or availed of or to be drawn or availed of by him.

**4. Leave –(1)** <sup>1</sup>A person, on appointment as --

- (a) Chairman shall be entitled to leave as admissible to the Chief Justice of High Court; and
- (b) 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 part thereof;

(ii) half pay leave on medical certificate 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 Chairman or a 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 upto a maximum of one hundred eighty days in one term of office.

(2) On the expiry of a term of office in the Commission, the Chairman and Members shall be entitled to receive cash equivalent of leave salary in respect of 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 240 days.

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<sup>1</sup> Inserted by Madhya Pradesh Human Rights Commission Chairman and Members (Salaries, Allowances and other Conditions of Service) Rules, 1996 on 26 July 1996

(3) The Chairman 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 provisions of chapter II of the High Court Judges (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** – <sup>2</sup>The Chairman 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 Chief Justice of High Court” and the 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 Secretary to the Government of Madhya Pradesh belonging to the Indian Administrative Service. Provided that if a sitting Judge of the High Court is appointed as a Member, then notwithstanding anything contained in this rule, the rules applicable to a Judge of the Madhya Pradesh 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 leave** – The power to grant or refuse leave to the Chairman or a Member and to revoke or curtail leave granted to him, shall vest in the Governor.

**7. Travel Allowances:--**

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<sup>2</sup> Inserted by Madhya Pradesh Human Rights Commission Chairman and Members (Salaries, Allowances and other Conditions of Service) Rules, 1996 on 26 July 1996

(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 Chairman shall be entitled to travel allowances, 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 High Court

(2) The Members, 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) shall be entitled to:-

(a) travel allowances, allowances for transportation of personal effects and other similar matters at the same scales and at the same rates as are admissible to a Secretary to the Government of Madhya Pradesh;

(b) daily allowance at the same rates as are admissible to a Secretary to the Government of Madhya Pradesh.

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

**8. Other Conditions of Service** –The conditions of service relating to provisions of recommendation, conveyance facilities, medical facilities and such other conditions of service as are for the time being applicable to –

- (i) the Chief Justice of High Court shall, so far as may be, apply to the Chairman; and
- (ii) a secretary to the Government of Madhya Pradesh belonging to Indian Administrative Service shall, so far as may be, apply to the members.

**9. Right to subscribe to General Provident Fund**—Every person holding Office as a Chairman or a Member shall be entitled to subscribe to the General Provident Fund.

**10. Residency provisions:--** The condition of service of the Chairman 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 a Secretary to Government of Madhya Pradesh belonging to Indian Administrative Service.

**11. Power to relax rules** – The State Government shall have the power to relax the provisions of any of the rules in respect of any class or categories of persons.

**By order and in the name of the Governor of Madhya Pradesh.**

**J.L. Ajmani, Secretary**