

Maharashtra State Human Rights Commission Rules, 2000

HOME DEPARTMENT
Mantralaya, Mumbai 400 032, dated the 18th August 2000
NOTIFICATION

PROTECTION OF HUMAN RIGHTS ACT, 1993

No.HRC.1099/378/CR –49/Pol-14.- In exercise of the powers conferred by sub-section (1) and clause (a) of sub-section (2) of section 41 of the Protection of Human Rights Act, 1993 (10 of 1994), the Government of Maharashtra hereby makes the following rules namely :-

1. Short title and commencement

- These rules may be called the Maharashtra State Human Rights Commission Rules, 2000.
- They shall come into force at once.

2. Definitions

In these rules, unless the context otherwise requires -

- "Act" means the Protection of Human Rights Act, 1993 (10 of 1994);
- "Chairperson" means the Chairperson of the State Commission;
- "Member" means a Member of the State Commission and includes the Chairperson;
- "State Commission" means the Maharashtra State Human Rights Commission constituted under sub-section (1) of section 21 of the Act;
- Words and expressions used in these rules and not

defined, but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Headquarter

The Headquarter of the State Commission shall be at Mumbai.

4. Salary

There shall be paid to

- the Chairperson, a salary which is equal to the salary of the Chief Justice of a High Court;
- a Member, a salary which is equal to the salary 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 eligible to receive any pension and has 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.

- by the amount of that pension;
- 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
- by any other form of retirement benefits, being drawn or availed of or to be drawn or availed of by him.

5. Leave

A person, on appointment as Chairperson or as a Member shall be entitled to leave as follows:

- (i) earned leave @ fifteen days for every completed calendar year of service or a part thereof;
 - (ii) half pay leave on medical certificate or on private affairs @ 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 Chairperson 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 eight days in one term of office.
- On the expiry of his term of office in the State 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 the condition that the maximum 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.
 - The Chairperson and 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 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.
 - If a sitting Judge of 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

High Court and thereafter he shall be entitled to leave in accordance with the provisions of sub-rules (1) to (3) of this rule.

6. Leave travel concession

The Chairperson 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 the Chief Secretary to the Government of Maharashtra :

Provided that, if a sitting Judge of the High Court or a sitting Judge of a District Court is appointed as a Member, then notwithstanding anything contained in this rule, rules applicable to a Judge of the High Court shall be applicable to him, till the date of his superannuation.

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 in the Governor.

8. Travelling allowances

The Chairperson and Members, 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) shall be entitled to-

- 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 Judge of High Court.
- Daily allowances at the same rates as are admissible to a Judge of a High Court :

Provided that, if a sitting Judge of the High Court or a sitting Judge of District 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 to him till the date of his superannuation and thereafter the provisions of this rule shall apply.

9. Right to subscribe to General Provident fund

Every Person Holding office as the Chairperson or a Member shall be entitled to subscribed to the General Provident Fund.

10. Other conditions of service

The conditions of service relating to provision of rent free accommodation, conveyance facilities, medical facilities and such other conditions of service as are, for the time being, applicable to a Judge of High Court under 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.

11. Residuary provisions

The condition of service of this Chairperson and 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 Chief Secretary to the Government of Maharashtra belonging to Indian Administrative Service.

12. Resignation

The Chairperson or a member may, by writing under his hand addressed to the Governor, resign his office and the resignation shall take effect on the day the same is accepted by the Governor.

13. Officers and other employees of State Commission

All officers and employees of the State Commission shall constitute the Maharashtra State Human Rights Commission Service.

The number of employees of the state Commission, their qualifications, method of appointment and scale of pay shall be as specified in the Schedule I appended to these rules and as may be decided by the State Government from time to time.

Selection of candidates for appointment to select categories or grades in the service shall be made by departmental promotion committee constituted by the State Commission.

The officers and other employees of the State Commission shall be entitled to all allowances and benefits admissible to State Government employees with corresponding scales of pay.

In matters relating to age for appointment, probation, pay and allowances, disciplinary actions, benefits and entitlements and age of retirement, the officers and other employees of the State Commission shall be governed by the rules as are applicable to persons holding equivalent posts in the services of State Government.

14. Administration and disciplinary control over officers and employees

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 State Commission, be subject to the exclusive administrative and disciplinary control of the State Commission.

15. Proceedings of State Commission

Vacancy of any Member of the State Commission shall not be invalidate the proceedings of the State Commission.

16. Power to relax rules

The State Government shall have the power to relax the provisions of any of these rules in respect of the Chairperson or other Members.

Schedule I [See Rule 13 (2)]

Sr. No.	Category	Scale of Pay	No. of Post	Qualification	Method of appointment
1	Superintendent	6,500-200-10,500	1	As per existing Government Recruitment Rules.	By Deputation/Contract.
2	Assistants	5,500-175-9,000	1	-- do --	-- do --
3	Higher Grade Stenographer	6,500-200-10,500	2	-- do --	-- do --
4	Lower Grade Stenographer	5,500-175-9,000	1	-- do --	-- do --
5	Clerk	3,050-75-3,950-80-4,590	2	-- do --	-- do --
6	Peon	2,550-55-2,660-60-3,200	2	-- do --	-- do --
7	Driver	3,050-75-3,950-80-4,590	2	-- do --	-- do --

By order and in the name of the Governor of Maharashtra,

R. S. NEGI,
Principal Secretary to Government.

