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GOVERNMENT OF ARUNACHAL PRADESH

PART - III

Resolutions, orders, notifications, rules etc., issued by the Government and Heads of Departments.

NOTIFICATION

The 9th April, 2018

No. HMB(B)-77/96 Vol-I.—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 Arunachal Pradesh hereby makes the following rules, namely :-

**1. Short title and commencement :**

- (1) These rules may be called the “**Arunachal Pradesh State Human Rights Commission (Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2017**”.
- (2) They shall come into force on the date of their publication in the Arunachal Pradesh Gazette.

**2. Definition :-**

- (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 the Chairperson of the Arunachal Pradesh State Human Rights Commission appointed under Section 22 of the Act;
  - (c) "Commission" means the Arunachal Pradesh State Human Rights Commission constituted under Section 21 of the Act;
  - (d) "Member" means the member of the Arunachal Pradesh State Human Rights Commission appointed under Section 22 of the Act; and
  - (e) "State" means the State of Arunachal Pradesh.
- (2) 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. Headquarters :**

The Headquarters of the Arunachal Pradesh State Human Rights Commission shall be at Itanagar.

**4. Salary :**

- (1) (a) The Chairperson's salary shall be equal to the salary of the Chief Justice of a High Court :

Provided that where the Chairperson is a person who has been a Judge of the Supreme Court, his salary and allowances shall be equal to the salary and allowances last drawn by him as Judge of the Supreme Court.

- (b) Member's salary and allowances shall be equal to the salary and allowances of a Judge of the High Court :

Provided 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 Gauhati High Court shall be applicable to him till the date of his superannuation and thereafter the provisions of this rule shall apply to him:

Provided further that if the Chairperson 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 pension) in respect of any previous service under the Central Government or the Government of a State, his salary in respect of the service as a Chairperson shall be reduced :-

- (i) By the amount of such pension ;

- (ii) If he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of such portion of the pension.
  - (iii) By any other form of retirement benefits being drawn or availed of or to be drawn or availed of by him.
- (2) A person, who, on the date of his appointment as a Member of the Commission, was in the service of the Government of India or the Government of Arunachal Pradesh as a Judge or as an 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.

**5. Leave :**

- (1) A person, on appointment as Chairperson or as a Member, shall be entitled to leave as follows :-
- (a) Earned leave at the rate of fifteen days for every completed calendar year of service.
  - (b) 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.
  - (c) 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;
  - (d) Extraordinary leave without pay and allowances upto a maximum of one hundred and eighty days in one term of service.
- (2) On the expiry of his term of office in the Commission, the Chairperson and Members shall be entitled to receive cash equivalent of leave salary in respect of earned leave standing to their 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 a High Court is appointed as a member, then, notwithstanding anything contained in sub-rules (1), (2), or (3), 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 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.

**6. 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.

**7. 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 Secretary to the Government of Arunachal Pradesh. 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 Gauhati High Court shall be applicable till the date of his superannuation and thereafter the provisions of this rule shall apply :

Provided that in the case of the Chairperson who has been a Judge of the Supreme Court, he shall be entitled to the same leave travel concession as are admissible to a Judge of the Supreme Court under Supreme Court Judges (Travelling Allowances) Rules, 1959 and in case of a Member, who has been a Judge of a High Court, the rules applicable to a Judge of the Gauhati High Court shall be applicable to him.

**8. Traveling Allowances and Daily Allowances :**

- (1) 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 Chairperson shall be entitled to traveling 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 :

Provided if the Chairperson has been a Judge of the Supreme Court, he shall be entitled to traveling allowances which are referred in this sub-rule at the same scales and the same rates as are admissible to a Judge of the Supreme Court under the Supreme Court Judges (Traveling Allowances) Rules, 1959.

- (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) Traveling allowance, 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 Arunachal Pradesh ;
- (b) Daily allowance at the same rates as are admissible to Secretary to the Government of Arunachal Pradesh ;

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 provisions of this rules shall apply :

Provided further that where a member has been a Judge of the High Court he shall be entitled to traveling 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.

**9. Other Conditions of Service :**

The conditions of service relating to provisions of rent free accommodation, conveyance facilities, medical facilities and such other conditions of service as are for the time being applicable to—

- (1) The Chief Justice of High Court shall, so far as may be, apply to the Chairman; and
- (2) A Secretary to the Government of Arunachal Pradesh, so far as may be, apply to the members.

**10. Right to Subscribe to CPF :**

Every person holding office as Chairperson or a Member shall be entitled to subscribe to the Central Provident Fund as the case may be.

**11. Residuary provisions :**

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 Government of Arunachal Pradesh.

**12. Resignation :**

The Chairperson or Member may, by writing under his hand addressed to the Governor, resign his office and his resignation shall take effect from the day it is accepted by the Governor.

**13. Power to amend and relax rules:**

The State Government shall have the power to amend and relax the provisions of any of these Rules, from time to time as may be deemed expedient.

By the Order and in the name of the Governor of Arunachal Pradesh,

G.S. Meena, IAS  
Commissioner (Home),  
Government of Arunachal Pradesh,  
Itanagar.