



GOVERNMENT OF KERALA

Law (H) Department

NOTIFICATION*



G.O. (P) No. 376/98/Law. Dated, Thiruvananthapuram, 3rd August, 1998.

S. R. O. No. 649/98.—In exercise of the powers conferred by section 41 of the Protection of Human Rights Act, 1993 (Central Act 10 of 1994), the Government of Kerala hereby make the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Kerala State Human Rights Commission Rules, 1998.

(2) They shall come into force at once.

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 the Chairperson of the Commission appointed under section 22 of the Act;

(c) “Commission” means the Kerala State Human Rights Commission constituted under section 21 of the Act;

(d) “Member” means the member of the Commission;

(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 State Human Rights Commission shall be at Thiruvananthapuram.

4. *Salary.*—(1) 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.

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(b) a Member, the salary and allowances equal to 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 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 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 Kerala as a District Judge or 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:

- (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 and eighty days in one term of office.

(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 240 days.

(3) The Chairperson and the Members shall be entitled to receive dearness allowance as admissible on the leave salary under sub-rule (2), 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 a High Court is appointed as a member, then, notwithstanding anything contained in these rules, 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. *Leave Travel Concession.*— The Chairperson and the members shall be entitled to leave travel concession at the same rates 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 in the Governor.

8. *Travel Allowances.*— The Chairperson and 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 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 the High Court of Kerala.

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. *Right to subscribe to General Provident Fund.*—Every person holding office as Chairperson or a Member shall be entitled to subscribe to the General Provident Fund (Kerala).

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 a Chief Justice or a Judge of a High Court as the case may be.

12. *Resignation.*—A Chairperson or 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 the State Commission.*—(1) All officers and employees of the State Human Rights Commission shall constitute the Kerala State Human Rights Commission Service.

(2) The number of employees of the Kerala State Human Rights Commission their qualifications, method of appointment and scale of pay shall be as specified in the Schedule I to these rules and/or as may be decided by the State Government from time to time.

(3) In all cases of direct recruitment provisions in rules 14 to 17 of the General Rules in Part II of the Kerala State and Subordinate Service Rules, 1958 shall be followed.

(4) Selection of candidates for appointment to selection categories or grades in the Service shall be made by Departmental Promotion Committee constituted by the State Human Rights Commission.

(5) The officers and other employees of the State Human Rights Commission shall be entitled to all allowances and benefits admissible to State Government Employees with corresponding scales of pay.

(6) 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 Human Rights 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 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 exclusive administrative and disciplinary control of the Commission.

15. *Investigation team.*—The Commission shall have its own team of investigation to be headed by a person not below the rank of an Inspector General of Police appointed by it and such team shall consist of such categories of police and other officers as may be notified by the Government from time to time on the recommendation of the Commission.

SCHEDULE I

(See Rule 13)

<i>Sl. No.</i>	<i>Category</i>	<i>Scale of pay</i>	<i>No. of post</i>	<i>Qualifications</i>	<i>Method of appointment</i>
(1)	(2)	(3)	(4)	(5)	(6)
1.	Registrar		1		By deputation from the category of Additional Secretary to Government, Law Department, Secretariat.
2.	Administrative Officer		1		By deputation from the category of Joint Secretary to Government, General Administration Department, Secretariat.
3.	Finance Officer		1		By deputation from the category of Joint Secretary to Government, Finance Department, Secretariat.
4.	Section Officer		2		By deputation from the category of Section Officer in the Law Department.
5.	Court Officer		1		By deputation from the category of Court Officer or equivalent post in Judiciary.
6.	Assistant Gr. I		6		By deputation in the Category of Legal Assistant Gr. II of the Law Department or similar category of Officers from the Judicial Ministerial Service or from any other Subordinate Services of Government.

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(1)	(2)	(3)	(4)	(5)	(6)
7.	Confidential Assistant Gr. II		2		By deputation from the category of Confidential Assistant Gr. II in the Law Department or from similar category of officers in any other subordinate Service.
8.	Typist Gr. II		2		By deputation from the category of Typist Gr. II in the Law Department or from similar category of Officers in any other subordinate service.
9.	Driver		2		By deputation from the category of Driver in the Subordinate service/Law Department.
10.	Peons		5		By deputation from the category of Peons in the Subordinate Service/Law Department.
11.	Part-time Sweeper		1		In the manner provided in the Kerala Part-time Contingent Service Rules.

By order of the Governor,

G. SASIDHARAN,
Law Secretary.

Explanatory Note

(This is not part of the notification, but is intended to indicate its general report.)

Section 26 of the Protection of Human Rights Act, 1993 empowers the Government to make rules providing for the salaries and allowances and other terms and conditions of service of the Chairman and the Members of the Kerala State Human Rights Commission. Section 27 of the Act also empowers the Government to make rules providing for the conditions subject to which other administrative, technical and scientific staff may be appointed by the Commission and the salaries and allowances of Officers and other staff of the Commission. Section 21(4) of the Act empowers the Government to specify the headquarters of the State Commission.

The notification is intended to achieve the above purposes.

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