



सत्यमेव जयते

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made  
by the Government of Gujarat under the Central Acts

### HOME DEPARTMENT

#### Notification

Sachivalaya, Gandhinagar, 17<sup>th</sup> July, 2014

Protection of Human Rights Acts, 1993.

No: GJ/62/2014/GHRC-122012/359/HR:-In exercise of the powers conferred by section 41 read with section 26 of the Protection of Human Rights Act, 1993 ( 10 of 1994), the Government of Gujarat hereby makes the following rules, namely:-

1. SHORT TITLE AND COMMENCEMENT:- These rules may be called the Gujarat State Human Rights Commission Chairperson and Members (Salaries, Allowances and other Conditions of Service) Rules, 2014.

DEFINITIONS :- (1) in these rules, unless the context otherwise requires;—

- (a) "Act" means the Protection of Human Rights Act, 1993, ( 10 of 1994);
- (b) "Chairperson" means the Chairperson of the Commission appointed under section 22 of the Act;
- (c) "Commission" means the Gujarat State Human Rights Commission constituted under sub section (1) of section 21 of the Act;
- (d) "Member" means the Member of the Commission appointed under section 22 of the Act.

(2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. SALARY;-There shall be paid to;-

- (1) (i) the Chairperson, the salary and allowances equal to the salary and allowances of the Chief Justice of a High Court as per the High Court Judges (Salaries and Conditions of Service) Act, 1954 as amended from time to time;

- (ii) a Member, the salary and allowances equal to the salary and allowances of a Judge of a High Court as per the High Court Judges (Salaries and Conditions of Service) Act, 1954 as amended from time to time:

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 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;

- (a) by the amount of that pension;
- (b) if he had, before resuming office, received in lieu of 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
- (c) by any other form of retirement benefits, being drawn or availed of or to be drawn or availed of by him.

4. LEAVE :- (1) The Chairperson or the Member shall be entitled to leave as follows:

- (i) Earned leave @ thirty 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 in each completed year of service and the leave salary for half pay leave shall be equivalent to the half pay 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 the 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.

(2) On the expiry of his term of office in the State Commission, the Chairperson and a Member shall be entitled to receive cash equivalent to leave salary in respect of earned leave standing to their 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 300 days.

(3) The Chairperson and the Member 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 they shall not be entitled to City Compensatory Allowance/Compensatory Local Allowance or any other allowances on such leave.

5. 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.

6. TRAVELING ALLOWANCES:- The Chairperson and the Member, 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 allowance Allowances for Transportation of personal effects, daily allowances and other simil

benefits at the same scales and at the same rates as are admissible to a Chief Justice and Judge of High Court, respectively.

7. **OTHER TERMS AND CONDITIONS;**- The conditions of service, benefits and facilities of the Chairperson and the Member for which no provision is made in these rules, such as entitlement of the rent free accommodation, leave travel concession, conveyance allowances, electricity and water charges, telephone charges, newspapers and magazine charges, facility of residential attendants, facility of medical treatment, sumptuary allowances, compensatory allowance, security, computers, etc., the same shall be at the same scales and at the same rates as are admissible to the Chief Justice and the Judge of High Court, respectively.
8. **POWER TO RELAX RULES;**- The State Government shall have the power to relax any provision of these rules and to remove any difficulty arising in its implementation or interpretation.
9. **OPTION FOR TERMS AND CONDITIONS;**-

It shall be open for the Chairperson or the Member to elect any one of the following two options to namely, :-

- (i) The terms and conditions prescribed under the notification issued prior to the commencement of these rules and in force at the time appointment, or
- (ii) the terms and conditions prescribed under these Rules”

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

**P. M. JOSHIYARA,**  
Under Secretary to Government.





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, शनिवार, जनवरी 27, 2018/माघ 7, 1939 (शक)  
No. 10] NEW DELHI, SATURDAY, JANUARY 27, 2018/MAGHA 7, 1939 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 27th January, 2018/Magha 7, 1939 (Saka)*

The following Act of Parliament received the assent of the President on the 25th January, 2018, and is hereby published for general information:—

### THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 2018

No. 10 OF 2018

[25th January, 2018.]

An Act further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

#### CHAPTER I

##### PRELIMINARY

1. (1) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2018.

Short title and commencement.

(2) Sections 2, 5, 6 and 9 shall be deemed to have come into force on the 1st day of January, 2016. Sections 3 and 7 shall be deemed to have come into force on the 1st day of July, 2017. Sections 4 and 8 shall be deemed to have come into force on the 22nd day of September, 2017.



## CHAPTER II

AMENDMENTS OF THE HIGH COURT JUDGES (SALARIES AND  
CONDITIONS OF SERVICE) ACT, 1954

Amendment of section 13A. 2. In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 13A,— 28 of 1954.

(a) in sub-section (1), for the words "ninety thousand rupees per mensem", the words "two lakh fifty thousand rupees per mensem" shall be substituted;

(b) in sub-section (2), for the words "eighty thousand rupees per mensem", the words "two lakh twenty-five thousand rupees per mensem" shall be substituted.

Amendment of section 22A. 3. In section 22A of the High Court Judges Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance equivalent to an amount of twenty-four per centum of the salary which shall be increased at the rate of—

(a) twenty-seven per centum, when Dearness Allowance crosses twenty-five per centum; and

(b) thirty per centum, when Dearness Allowance crosses fifty per centum.

Amendment of section 22C. 4. In the High Court Judges Act, in section 22C, for the words "fifteen thousand" and "twelve thousand", the words "thirty-four thousand" and "twenty-seven thousand" shall respectively be substituted.

Amendment of First Schedule. 5. In the First Schedule to the High Court Judges Act,—

(a) in Part I, in paragraph 2,—

(A) in clause (a), for the letters and figures "Rs. 43,890", the letters and figures "Rs. 1,21,575" shall be substituted;

(B) in clause (b), for the letters and figures "Rs. 34,350", the letters and figures "Rs. 96,524" shall be substituted;

(C) in the proviso, for the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000", the letters and figures "Rs. 15,00,000" and "Rs. 13,50,000" shall respectively be substituted;

(b) In Part III, in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 16,020", the letters and figures "Rs. 45,016" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000", the letters and figures "Rs. 15,00,000" and "Rs. 13,50,000" shall respectively be substituted.

## CHAPTER III

AMENDMENTS OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE)  
ACT, 1958

Amendment of section 12A. 6. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), in section 12A,— 41 of 1958.

(a) in sub-section (1), for the words "one lakh rupees per mensem", the words "two lakh eighty thousand rupees per mensem" shall be substituted;



(b) in sub-section (2), for the words "ninety thousand rupees per mensem", the words "two lakh fifty thousand rupees per mensem" shall be substituted.

7. In section 23 of the Supreme Court Judges Act, for sub-section (1A), the following sub-section shall be substituted, namely:— Amendment of section 23.

"(1A) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance equivalent to an amount of twenty-four per centum of the salary which shall be increased at the rate of—

(a) twenty-seven per centum, when Dearness Allowance crosses twenty-five per centum; and

(b) thirty per centum, when Dearness Allowance crosses fifty per centum."

8. In section 23B of the Supreme Court Judges Act, for the words "twenty thousand" and "fifteen thousand", the words "forty-five thousand" and "thirty-four thousand" shall respectively be substituted. Amendment of section 23B.

9. In the Schedule to the Supreme Court Judges Act,— Amendment of the Schedule.

(a) in Part I.—

(i) in paragraph 2—

(A) in clause (b), for the letters and figures "Rs. 12,180", "Rs. 3,69,300", and "Rs. 31,030", the letters and figures "Rs. 34,104", "Rs. 10,34,040", and "Rs. 86,884" shall respectively be substituted;

(B) in the proviso, for the letters and figures "Rs. 6,00,000", the letters and figures "Rs. 16,80,000" shall be substituted;

(ii) in paragraph 3, in the proviso, for the letters and figures "Rs. 5,40,000", the letters and figures "Rs. 15,00,000" shall be substituted;

(b) in Part III, in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 16,020", the letters and figures "Rs. 45,016" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 6,00,000" and "Rs. 5,40,000", the letters and figures "Rs. 16,80,000" and "Rs. 15,00,000" shall respectively be substituted.

DR. G. NARAYANA RAJU  
Secretary to the Govt. of India.

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FACILITIES AVAILABLE TO THE  
HONOURABLE CHIEF JUSTICE AND  
OTHER HONOURABLE JUDGES OF HIGH  
COURT OF GUJARAT, AHMEDABAD.

1. Pay and Allowances :

CHIEF JUSTICE

Rs. 90,000-00 Fixed Pay \*\* (w. e. f. 01.01.06)

Rs. 52,200-00 D.A. @ 58%

Rs. 9,000-00 Transfer Allowance (for Transferee Judges)

Rs. 7,500-00 Sumptuary Allowance  
(till 31.08.2008)

Rs. 15,000-00 Sumptuary Allowance \*\*  
(w.e.f. 01-09-2008)

Rs. 13,500-00 H.R.A. @ 30% of Basic Pay + D.P.  
(till 31-08-2008)

Rs. 27,000-00 H.R.A. @ 30% of Basic Pay \*\*  
(w.e.f. 01-09-2008)

OTHER JUDGES

Rs. 80,000-00 Fixed Pay \*\* (w. e. f. 01.01.06)

Rs. 46,400-00 D.A. @ 58%

Rs. 8,000-00 Transfer Allowance (for Transferee Judges)

Rs. 6,000-00 Sumptuary Allowance  
(till 31.08.2008)

Rs. 12,000-00 Sumptuary Allowance \*\*  
(w.e.f. 01-09-2008)

Rs. 11,700-00 H.R.A. @ 30% of Basic Pay + D.P.  
(till 31-08-2008)

Rs. 24,000-00 H.R.A. @ 30% of Basic Pay \*\*  
(w.e.f. 01-09-2008)

\*\* In view of The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, 2009 published by the Government of India, Ministry of Law and Justice (Legislative Department) in Extra Ordinary Gazette No. 2 of 2009, dated 09.01.2009



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## 2. Facility of Rent Free House :

As per Section-22 A (1) of the High Court Judges [Salaries & Conditions of Service] Act,1954, a Judge of the High Court is entitled without payment of rent to use of an official residence, in accordance with such rules as may, from time to time, be prescribed.

Sub-Section (2) of Section-22 A provides that where a Judge does not avail himself of the use of an official residence he may be paid every month 30% of the salary w.e.f. 01.09.2008 as House Rent Allowance.

Rule 2 (A) of the High Court Judges Rules, 1956, provides that each Judge who avails himself of the use of an official residence, shall be entitled without payment of rent to the use of a furnished residence through out his term of office and for a period of one month immediately thereafter, and no charge shall fall on the Judge personally in respect of the maintenance of such residence.

As per the Government of Gujarat, Roads & Buildings Department, Resolution No. Misc 1486-698 [42] M, dated 11-04-1991 facilities equal to the items of furnishing provided at the residence of the Ministers of Cabinet Level of the State shall be provided at the residence of the Honourable Judges of the High Court.

### 3. Leave Travel Concession :

Honourable Chief Justice and Honourable Judges of the High Court are entitled to avail of L.T.C. with family, twice in a year, i.e. in two parts in a calendar year, anywhere in India, by Air, as per Notification issued by Ministry of Law and Justice [Department of Justice] New Delhi, dated 7<sup>th</sup> November, 1986, Section 7-A of the High Court Judges (T.A.) Rules read with CCS (LTC) Rules, 1988. Under Rule 13 of the CCS (LTC) Rules, the reimbursement for expenses of journey shall be allowed only on the basis of point to point journey on a through ticket over the shortest direct route.

Honourable Chief Justice and Honourable Transferee Judges are also extended benefit of additional (third) L.T.C. to visit permanent residence in Home State, as per Government of India, Ministry of Law Justice and Company Affairs [Department of Justice], letter No.L-11025/20/95-Jus, dated 2/2/1996.

Air travel facilities: High Court Judges are entitled to "Executive Class" for the purpose of availing Leave Travel Concession to the Honourable Judges and their dependent members of families, as per Government of India, Ministry of Law and Justice (Department of Justice), letter No.L.11025/14/99-Jus, dated 21-09-1999.

As per Government of India, Ministry of Law and Justice, (Department of Justice), letter dated 20-01-1993, the Honourable Judges of High Courts are entitled to carry forward unavailed Leave Travel Concession to the next year.

As per Government of India, Ministry of Law, Justice and Company Affairs (Department of Justice) letter, No.L-11016/3/93-Jus, dated 14-05-1995, the Honourable Judges of the High Courts are now entitled to use private cars while availing Leave Travel Concession by road as contained in letter No.24/101/85-Jus, dated 16-04-1986.

As per Government of India, Ministry of Law and Justice (Department of Justice) letter, dated 27-02-1997, the L.T.C. facility shall be available to all Judges immediately on their appointment without any reference to length of service, as such.

#### 4. Conveyance Allowance :

As per provisions contained in Section 22B of High Court Judges (Conditions of Service) Act, 1956, as amended from time to time, Honourable Chief Justice and Honourable Judges are provided with Staff Car [with red light, siren & Driver] and 200 Liters or actual consumption of fuel, per month. Corolla Altis car is allotted to Hon'ble Judges by High Court of Gujarat. Over and above Staff Car, Honourable Chief Justice is provided with Official Car with fuel & Driver.

5. Free water and Electricity Charges :

As per Rule 2(E) of High Court Judges Rules, 1956, as amended from time to time, reimbursement of Electricity charges to the extent of 10,000 units per annum, (During Calendar Year – January to December) and charges on account of water consumed at his residence not exceeding 3600 kiloliters water per annum.

6. Telephone Charges :

Honourable Judges are entitled to have land line telephone facility at the residence, without any limit on calls per month or bi-monthly.

6A. Cellular Mobile Phones :

Each Honourable Judges of High Court of Gujarat is provided a Cellular Mobile Phone with national roaming facility with a limit of Rs.2000/- p.m. and Rs.24,000/- per annum.

7. News Papers and Magazines Charges :

Reimbursement of charges of four Newspapers and two Magazines supplied at the residence of Hon'ble Chief Justice and Judges every month.



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## 8. Facility of Residential Attendants :

### Peons at residence :

Honourable Judges of the High Court of Gujarat are entitled to have Two Peons at the Residence.

### Facility of one more Residential Attendant :

As per Govt. of Gujarat, Resolution, Legal Department, No. HCT/1094/2202/D, dated 29-08-1995, with effect from 01-09-1995, an amount of Rs.1,000-00 p.m. is reimbursed to the Honourable Chief Justice and Judges, towards one more residential attendant, as a Special case, over and above two peons provided at the residence.

## 9. Facilities of Medical Treatment :

Facilities of medical treatment and reimbursement of the amount of medical claim are extended to the Honourable Judges as per provision contained in Section 23 of High Court Judges (Conditions of Service) Act, 1954.

As per provisions contained in Rule 2(a) of the High Court Judges Rules, 1956. Rules and provisions as applicable to a Cabinet Minister of the State Government in which the principal seat of the High Court is situated, shall apply; to the Honourable Chief Justice & Honourable Judges of the High Court.

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The Government of Gujarat, Legal Department, vide Resolution No. MAR/1094/720/D, dated 25-01-2001, have delegated all the powers conferred on the State Government under the Gujarat Ministers' [Medical Attendance and Treatment] Rules, 1964 and under any rules and orders of the Central Government referred to in the said Resolution to the Hon'ble the Chief Justice of the High Court of Gujarat for sanctioning or reimbursing of expenditure incurred by the Hon'ble Sitting and retired Judges including their family members for taking medical treatment. Expenses for treatment taken from private hospitals / doctors are also reimbursable in Gujarat.

#### **10. Entitlement of Leave :**

Leave is admissible to a Judge of the High Court in terms of the provisions of Chapter-II of the High Court Judges (Salaries and Conditions of Service) Act 1954.

#### **11. Compensatory Allowance :**

As per Government of India, Ministry of Law, Justice & Company Affairs (Department of Justice), letter No.L-11025/20/97-Jus, dated 08-02-1999, the City Compensatory Allowance payable to the Judges Under Article 222 (2) of the Constitution forms part of the taxable income under the Head Salaries. The compensatory allowance at the rate of 10% of salary per month admissible to the transferred Judges is not exempted from Income-Tax as it is recurring in nature.

12. **Personal Security Guard :**

As per letter No. SBI/SSA/102002 dated 01-04-2002, of the Home Department, Government of Gujarat, each Honourable Judge of the High Court of Gujarat, is entitled to (i) Personal Security Guard [3PSOs] round the clock with automatic weapon and (ii) Armed Security Guard at the residence round the clock [3 PSOs].

13. **Computer :**

Honourable Judges of the High Court of Gujarat are provided with Personal Computer at the residence and also a Laptop with legal data base.

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