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## LAW DEPARTMENT

### NOTIFICATION

The 4th January 2013

No. 256—IV-OE-HRC-01/2012 -L.— In exercise of the powers conferred by the sub-section (1) read with clause (b) of the sub-section (2) of Section 41 of the Protection of Human Rights Act, 1993 (10 of 1994), the State Government do hereby make the following rules regulating the method of recruitment and conditions of service of the officers and other staff of the Odisha Human Rights Commission, namely :—

**1. Short title and commencement—**(1) These rules may be called the Odisha Human Rights Commission (Method of Recruitment and Conditions of Service of Officers and other Staff) Rules, 2012.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

### **2. Definitions—**

(1) In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Protection of Human Rights Act, 1993;
- (b) 'Committee' means the Selection Committee constituted under Rule 6;
- (c) 'Director' means an officer in the rank of Inspector-General of Police appointed as Director of Investigation of the State Commission;
- (d) 'Person with Disability' means person who has been granted disability certificate by the competent authority as per the provisions under Rule 4 of the Person with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Odisha Rules, 2003;
- (e) 'Registrar' means an officer belonging to Odisha Judicial Service in the rank of Chief Judicial Magistrate appointed as Registrar of the State Commission;
- (f) 'Scheduled Castes and Schedule Tribes, shall have reference to the Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950 and Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Articles 341 and 342, respectively of the Constitution of India and as amended from time to time;

- (g) 'Schedule' means the schedule appended to these rules;
- (h) 'SEBC' means Socially and Educationally Backward Classes as referred to the clause (e) of Section 2 of the Odisha Reservation of Posts and Services (for Socially and Educationally Backward Classes) Act, 2008 (Odisha Act 6 of 2009);
- (i) 'Secretary' means the Secretary to State Commission referred to in clause (a) of sub-section (1) of Section 27; and
- (j) 'State Commission' means the Odisha Human Rights Commission constituted under sub-section (1) of Section 21.

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

### **3. Officers and other staff of the State Commission—**

(1) The number of posts of officers and other staff of the State Commission shall be as specified in the Schedule:

Provided that depending on work load, the number of posts of each category of post may be varied, from time to time, by the State Commission in consultation with the State Government.

(2) In discharge of the functions under the Act by the officers and other staff 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 that Commission.

### **4. Method of appointment and other qualification—**

(1) Subject to the provisions of these rules, appointment to different categories of posts shall be made either by direct recruitment which shall be by holding competitive examination or by promotion or by deputation of officers and employees from Government or from Judiciary, who is eligible for appointment to the post in the grade.

(2) The direct recruitment to a post specified in the Schedule shall be held by a competitive examination to be conducted by the State Commission and it shall decide the standard, syllabus and subjects of examination and the manner of conduct of examination.

(3) The number of officers and other staff of the State Commission, their classification, method of appointment, qualification and scale of pay attached thereto shall be as specified in the Schedule.

### **5. Appointing Authority—**

(1) All appointments to the Group 'A' and 'B' Posts shall be made by the State Commission.

(2) All appointments to the Group 'C' posts shall be made by the Registrar of the State Commission.

(3) All appointments to Group 'D' posts shall be made by the Under-Secretary to the State Commission.

**6. Selection Committee—**

(1) The State Commission may constitute a Committee consisting of such number of members as may be decided by it for filling up of the posts in the State Commission.

(2) The State Commission may constitute different committees for filling up different categories of posts.

**7. Eligibility—**No persons shall be eligible for appointment to any post under the State Commission—

- (a) unless, he or she is citizen of India;
- (b) unless, he or she has passed a test in Odia equivalent to Middle School Standard;
- (c) if, he or she is dismissed from service by Government or by any Statutory or Local Authority;
- (d) if, he or she has been convicted of an offence involving moral turpitude;
- (e) unless, passed the minimum qualification prescribed for a post mentioned against each in Column (7) of the Schedule;
- (f) if, he or she has entered into or contracted a marriage with a person having a spouse living; and
- (g) if, he or she having a spouse living and has entered into or contracted marriage with any person:

Provided that if the State Commission is satisfied that such married is permissible under the personal Law applicable to such person or there are other grounds for doing so, exempt any person from the operation of the rule.

**8. Absorption of existing employees—**

(1) Notwithstanding anything contained in the provisions of these rules, the persons holding posts in the State Commission on the date of commencement of these rules either on direct recruitment or transfer on deputation basis and who fulfill the qualifications and experience laid down in these rules and who are considered suitable by the Committee, shall be eligible for absorption in the respective grades subject to the condition that such persons obtain a no objection certificate from their parent department for their absorption in the State Commission.

(2) The seniority of the officers and other employees mentioned in sub-rule (1) shall be determined with reference to the dates of their regular appointment to the post concerned.

**9. Reservations**—Notwithstanding anything contained in these rules, reservation of vacancies for—

- (a) Scheduled Caste and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services, (for Scheduled Castes and Schedules Tribes) Act, 1975 and the rules made thereunder; and
- (b) SEBC, Women, Sports persons and Person with Disabilities shall be made in accordance with the provisions made under such Act, rules, or orders and instructions issued in this behalf by the Government from time to time.

**10. Application of other Rules and Regulations**—In the matter relating to age for appointment, probation, Pay and allowances, leave medical facilities, disciplinary matters, conduct rules, provident fund, age of retirement, pension and other retirement benefits and other conditions of services, the officers and other staff of the State Commission shall be governed by the Rules, Regulations, Resolution and Order as are applicable to the officers and employees holding equivalent posts in the service of the State Government.

**11. Power to relax**—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order, and for reasons to be recorded in writing, and in consultation with the State Commission, relax any of the provisions of these rules with respect to any class or category of person.

SCHEDULE

Sl. No.	Name of post	Number of posts	Classification	Scale of Pay	Method of Recruitment Whether by direct Recruitment/ Promotion/ Deputation	Educational and other Qualification or criteria required for filling up of the posts
1	2	3	4	5	6	7
1	Secretary to State Commission	01	GROUP-A	As admissible in their original grade	Deputation	-NA-
2	Director, Investigation	01	GROUP-A	As admissible in their original grade	-do-	-NA-
3	Joint Secretary	01	GROUP-A	As admissible in their original grade	-do-	-NA-
4	Registrar	01	GROUP-A	As admissible in their original grade	-do-	-NA-
5	Additional Superintendent of Police	01	GROUP-A	As admissible in their original grade	-do-	-NA-
6	Under-Secretary	01	GROUP-A	As admissible in their original grade	-do-	-NA-
7	Deputy Superintendent of Police	02	GROUP-A	As admissible in their original grade	-do-	-NA-
8	Inspector of Police	02	GROUP-B	As admissible in their original grade	-do-	-NA-

1	2	3	4	5	6	7
9	Section Officer	02	GROUP-C	Rs. 9,300—34,800 +G.P. 4,200	Promotion/ Deputation	At least twelve years of continuous service including nine years of continuous services as Senior Assistant.
10	Private Secretary	02	GROUP-B	Rs. 9,300—34,800 +G.P. 4,600	Promotion/ Deputation	At least five years of continuous service as Personal Assistant
11	Personal Assistant	06	GROUP-C	Rs. 9,300—34,800 +G.P. 4,200	Promotion/ Deputation	At least twelve years of continuous service as Junior Stenographer and Senior Stenographer taken together.
12	Senior Stenographer	02	GROUP-C	Rs. 9,300—34,800 +G.P. 4,200	Promotion/ Deputation	At least three years of service as Junior Stenographer.
13	Junior Stenographer	03	GROUP-C	Rs. 5,200—20,200 +G.P. 1,900	Direct Recruitment	(i) Must have passed Higher Secondary School Certificate or its equivalent Examination. (ii) Must have acquired adequate knowledge on Basic Computer Skill. (iii) Dictation : 80 w.p.m. for 10 minutes. (iv) Transcription on Computer : —50 minutes (English) —65 minutes (Odia)
14	Computer Operator	01	GROUP-C	Rs. 5,200—20,200 +G.P. 1,900	Direct Recruitment	Must be a Graduate in any discipline with PGDCA from any recognised University.
15	Accountant-cum-Cashier.	01	GROUP-C	Rs. 9,300—34,800 +G.P. 4,200	Promotion/ Deputation	At least three years of continuous service as Junior Assistant passed Departmental Examination.
16	Senior Assistant	0	GROUP-C	Rs. 9,300—34,800 +G.P. 4,200	Promotion/ Deputation	At least three years of continuous service as Junior Assistant.
17	Junior Assistant	02	GROUP-C	Rs. 5,200—20,200 +G.P. 1,900	Direct Recruitment	(i) Must have passed Higher Secondary School Certificate or its equivalent Examination. (ii) Must have acquired adequate knowledge on Basic Computer Skill.

1	2	3	4	5	6	7
18	Despatcher-cum Typist.	02	GROUP-C	Rs. 5,200—20,200 +G.P. 1,900	Direct Recruitment	(i) Must have passed Higher Secondary School Certificate Examination or its equivalent Examination.  (ii) Must have acquired adequate knowledge on Basic Computer Skill.  (iii) Typing speed—At least 400 words with combination of 3 to 4 figures within 10 minutes.
19	Constables of Police	03	GROUP-C	As admissible in their original grade	Deputation	. . .
20	Driver	04	GROUP-C	Rs. 5,200—20,200 +G.P. 1,900	Direct Recruitment	Must have passed Eighth Standard from any recognised School possessing a valid driving licence of Motor Car, knowledge of motor mechanism, and experience in driving a motor car for at least two years.
21	Peon and Watchman	08	GROUP-D	Rs. 4,440—14,680 +G.P. 1,300	Direct Recruitment	Class VII (M.E. Standard)

By order of the Governor

D. RAUT

Principal Secretary to Government