

22 DEC 2008

**Bill No. 80 of 2008**

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT BILL, 2008

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BILL

*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 Fifty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2008. Short title and commencement.

(2) Sections 2, 3, 4, 7, 8, 9, 10 and 13 shall be deemed to have come into force on the 1st day of January, 2006 and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of September, 2008.

CHAPTER II

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

28 of 1954.

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,— Amendment of section 13A.

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

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

3. In section 17A of the High Court Judges Act, in sub-section (1),—

Amendment of section 17A.

(a) the words "plus fifty per cent. of his dearness pay", shall be omitted.

Judges Act, in sub-section (1),—  
of his dearness pay", shall be omitted.

t. of his dearness pay subject to a minimum of  
n rupees per month" shall be omitted;

rt Judges Act, the following section shall be

r his death, the family, as the case may be, shall  
f pension or family pension in accordance with

Additional quantum of pension or family pension.

Twenty per cent. of basic pension or family pension

Thirty per cent. of basic pension or family pension

Forty per cent. of basic pension or family pension

Fifty per cent. of basic pension or family pension

Hundred per cent. of basic pension or family pension.

Judges Act, in sub-section (2), the words "plus  
be omitted.

For section 22C, the following section shall be

each of the other Judges of every High Court shall  
e of fifteen thousand rupees per month and twelve  
ively".

Court Judges Act,—

, for the letters and figures "Rs. 21,945", the  
s. 43,890" shall be substituted;

, for the letters and figures "Rs. 16,725", the  
s. 34,350" shall be substituted;

so, for the letters and figures "Rs. 2,70,000" and  
ters and figures "Rs. 5,40,000" and "Rs. 4,80,000"  
ubstituted;

r the letters and figures "Rs. 2,70,000", the letters  
shall be substituted;

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Amendment of section 17A.

3. In section 17A of the High Court Ju

(a) the words "plus fifty per cen

(b) the words "plus thirty per ce  
one thousand nine hundred and thirte

Insertion of new section 17B

4. After section 17A of the High Co  
inserted, namely:—

"17B. Every retired Judge or aft  
be entitled to an additional quantum o  
the following scale:—

Additional quantum of pension or family pension.

Age of Pensioner or Family Pensioner

From eighty years to less th  
eighty-five years

From eighty-five years to le  
than ninety years

From ninety years to less th  
ninety-five years

From ninety-five years to l  
than hundred years

From hundred years or mo

Amendment of section 22A

5. In section 22A of the High Cou  
thirty per cent. of the dearness pay" shall

Amendment of section 22C.

6. In the High Court Judges Act,  
substituted, namely:—

Sumptuary allowance.

"22C. The Chief Justice and  
be entitled to a sumptuary allowanc  
thousand rupees per month respec

Amendment of the First Schedule.

7. In the First Schedule to the High

(a) in Part I,—

(i) in paragraph 2,—

(A) in clause (a)  
letters and figures "F

(B) in clause (a)  
letters and figures "I

(C) in the prov  
"Rs. 2,34,000", the le  
shall respectively be

(ii) in paragraph 8, f  
and figures "Rs. 5,40,000'

(iii) in paragraph 9, for the letters and figures "Rs. 76,785", the letters and figures "Rs. 1,57,670" shall be substituted;

(b) in part II,—

(i) in the proviso to paragraph 2, for the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000", the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000" shall respectively be substituted;

(ii) in paragraph 3, for the figures "16,898", "20,280", "23,649", "27,033", "30,420" and "33,799", the figures "34,696", "41,642", "48,559", "55,508", "62,462" and "69,402" shall respectively be substituted;

(c) in Part III,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 7,800", the letters and figures "Rs. 16,020" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000", the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000" shall respectively be substituted.

### CHAPTER III

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

41 of 1958.

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

Amendment of section 12A.

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

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

9. In section 16A of the Supreme Court Judges Act,—

Amendment of section 16A.

(a) in sub-section (1)—

(i) in clause (a), the words "plus fifty per cent. of his dearness pay" and "plus thirty per cent. of his dearness pay" shall be omitted;

(ii) in clause (b), the words "plus thirty per cent. of his dearness pay" shall be omitted;

10. After section 16 A of the Supreme Court Judges Act, the following section shall be inserted, namely:—

Insertion of new section 16B.

"16B. Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:—

Additional quantum of pension or family pension.

Age of Pensioner or family Pensioner	Additional quantum of pension or family pension.
From eighty years to less than eighty-five years	Twenty per cent. of basic pension or family pension
From eighty-five years to less than ninety years	Thirty per cent. of basic pension or family pension
From ninety years to less than ninety-five years	Forty per cent. of basic pension or family pension

From ninety-five years to less than hundred years	Fifty per cent. of basic pension or family pension
From hundred years or more	Hundred per cent. of basic pension or family pension.

- Amendment of section 23. 11. In section 23 of the Supreme Court Judges Act, in sub-section (1A), the words "plus thirty per cent. of the dearness pay" shall be omitted. 5
- Amendment of section 23B. 12. In section 23B of the Supreme Court Judges Act, for the words "ten thousand" and "seven thousand five hundred", the words "twenty thousand" and "fifteen thousand" shall respectively be substituted.
- Amendment of the Schedule. 13. In the Schedule to the Supreme Court Judges Act,— 10
- (a) in Part I,—
- (i) in paragraph 2,—
- (A) in clause (b), for the letters and figures "Rs. 6,030", "Rs. 1,82,820" and "Rs. 15,360", the letters and figures "Rs. 12,180", "Rs. 3,69,300" and "Rs. 31,030" shall respectively be substituted; 15
- (B) in the proviso, for the letters and figures "Rs. 2,97,000", the letters and figures "Rs. 6,00,000" shall be substituted;
- (ii) in the proviso to paragraph 3, for the letters and figures "Rs. 2,70,000", the letters and figures "Rs. 5,40,000" shall be substituted;
- (b) in Part II,— 20
- (i) in paragraph 2, in clause (b), for the letters and figures "Rs. 16,898", the letters and figures "Rs. 33,795" shall be substituted;
- (c) in Part III,—
- (i) in paragraph 2,—
- (A) in clause (b), for the letters and figures "Rs. 7,800", the letters and figures "Rs. 16,020" shall be substituted; 25
- (B) in the proviso, for the letters and figures "Rs. 2,97,000" and "Rs. 2,70,000", the letters and figures "Rs. 6,00,000" and "Rs. 5,40,000" shall respectively be substituted.

## STATEMENT OF OBJECTS AND REASONS

The Salaries, allowances and pensions of the Judges of the Supreme Court and High Courts were last revised with effect from the 1st day of January, 1996, as per the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998. The Sixth Central Pay Commission recommended revision in the salaries and other allowances, and pensionary benefits of the Central Government employees including the members of All India Services. The Government has accepted the majority of the recommendations of the Commission and issued orders. The revised pension rules have come into force on the 1st day of January, 2006.

2. The need to increase the salaries, allowances and pension of the Judges of the Supreme Court and the High Courts has been necessitated because of the increase in the salaries and allowances and pensions of the Central Government employees on acceptance of the recommendations of the Sixth Central Pay Commission by the Government.

3. The High Court and Supreme Court Judges (Salaries and Conditions of Service) (Amendment) Bill, 2008 seeks to revise the salaries of the Judges with effect from the 1st day of January, 2006, as follows:—

Chief Justice of India	—	from Rs. 33,000/- p.m. to Rs. 1,00,000/- p.m.
Judges of Supreme Court	—	from Rs. 30,000/- p.m. to Rs. 90,000/- p.m.
Chief Justice of High Court	—	from Rs. 30,000/- p.m. to Rs. 90,000/- p.m.
Judges of the High Courts	—	from Rs. 26,000/- p.m. to Rs. 80,000/- p.m.

The Bill also seeks to revise the rates of sumptuary allowance and scale of free furnishing admissible to the Judges of the Supreme Court and High Courts by doubling the existing rates with effect from the 1st day of September, 2008.

4. The rates of pension of the Judges of High Court and Supreme Court were last enhanced with effect from the 1st January, 1996 by the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998 and the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005. The Sixth Central Pay Commission recommended revision in the pensionary benefits of the Central Government employees including the members of All India Services. The revised pension rules have come into force on the 1st day of January, 2006. It is, therefore, necessary to increase suitably the existing pension, additional pension and maximum pension of the Judges of the High Courts and the Supreme Court.

5. Based on the recommendation of the Sixth Central Pay Commission the Central Government has decided to grant additional quantum of pension and family pension with reference to the age of the Central Government pensioner and family pensioner. On the same analogy, it has been decided to extend the similar benefit to all retired Judges.

6. The Bill seeks to achieve the above objectives.

H.R. BHARDWAJ

NEW DELHI;

*The 9th December, 2008.*

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 OF  
THE CONSTITUTION OF INDIA

[Copy of letter No. L-11017/1/2008-Jus., dated the 11th December, 2008 from Shri H.R. Bhardwaj, Minister of Law and Justice to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2008, recommends the introduction and consideration of the Bill in Lok Sabha under article 117(1) and (3) of the Constitution.

## FINANCIAL MEMORANDUM

The Bill seeks 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 so as to revise the salaries of the Chief Justice of India, Judges of the Supreme Court, Chief Justices of High Courts and Judges of High Courts.

2. The Bill also seeks to revise the pension, family pension of the Judges of the Supreme Court and High Courts. It further increases the sumptuary allowance so as to enable the Judges to get double the existing rates of sumptuary allowance.

3. The additional expenditure in respect of the Judges of the High Courts is to be borne by the concerned State Governments under article 290 of the Constitution of India. The Bill, if enacted and brought into operation, will involve an additional expenditure of approximately Rs. 46 crore out of which a recurring expenditure of Rs. 4 crore per annum for payment of salary and Rs. 42 crore as non-recurring expenditure towards arrears of salaries, pension and family pension from the Consolidated Fund of India.

4. The Bill does not involve any other expenditure of either recurring or non-recurring nature.

ANNEXURE

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

28 OF 1954

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CHAPTER III

SALARIES AND PENSIONS

13A. (1) There shall be paid to the Chief Justice of a High Court, by way of salary, thirty thousand rupees per mensem. Salaries of the Judges.

(2) There shall be paid to a Judge of a High Court, by way of salary, twenty-six thousand rupees per mensem.

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38 of 1986.

17A. (1) Where a Judge who, being in service on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986, dies whether before or after retirement in circumstance to which section 17 does not apply, family pension calculated at the rate of fifty per cent. of his salary plus fifty per cent. of his dearness pay on the date of his death amount to payable shall be paid from the day following the date period up to the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, and thereafter at the rate of thirty per cent. of his salary plus thirty per cent. of his dearness pay subject to a minimum of one thousand nine hundred and thirteen rupees per month. Family pensions and gratuities.

*Explanation.*— For the purposes of determining the person or persons entitled to family pension under this sub-section:

Provided that in no case the amount of family pension calculated under this sub-section shall exceed the pension payable to the Judge under this Act.

(i) in relation to a Judge who elects or is eligible to receive pension under Part I of the First Schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an officer of the Central Civil Services, Group 'A' shall apply;

(ii) in relation to a Judge who elects to receive pension under Part II or Part III of the First Schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to the person or persons entitled to family pension shall apply and his service as a Judge being treated as service therein.

(2) Where any Judge, who has elected to receive the pension payable to him under Part II or Part III of the First Schedule, retires, or dies in circumstances to which section 17 does not apply, gratuity, if any, shall be payable to the person or persons entitled thereto under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that gratuity.

\* \* \* \* \*

22A. (1)

(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 thirty per cent. of the salary plus thirty per cent. of the dearness pay. Facility of rentfree houses.

22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to sumptuary allowance of seven thousand and five hundred rupees per month and six thousand rupees per month, respectively. Sumptuary allowance.



THE FIRST SCHEDULE

(See sections 14 and 15)

PENSIONS OF JUDGES

PART I

(1) \* \* \* \* \*

(2) Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and who has completed not less than seven years of service for pension shall be,—

(a) for service as Chief Justice in any High Court, Rs. 21,945 per annum for each completed year of service;

(b) for service as any other Judge in any High Court, Rs. 16,725 per annum for each completed year of service:

Provided that the pension under this paragraph shall in no case exceed Rs. 2,70,000 per annum in the case of a Chief Justice and Rs. 2,34,000 per annum in the case of any other Judge.

\* \* \* \* \*

8. Notwithstanding anything contained in the foregoing provisions of this Part, the pension payable to Judge who has completed fourteen years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Courts, shall be Rs. 2,70,000 per annum.

9. Where a Judge to whom this Part applies retires or has retired at any time after the 26th January, 1950 without being eligible for pension under any other provision of this Part, when, notwithstanding anything contained in the foregoing provisions, a pension of Rs. 76,785 per annum shall be payable to such a Judge:

Provided that nothing in this paragraph shall apply—

(a) to an additional Judge or acting Judge; or

(b) to a Judge who at the time of his appointment is in receipt of pension (other than a disability or wound pension) in respect of any previous service under the Union or a State.

PART II

1. \* \* \* \* \*

2. The pension payable to such a Judge shall be—

(a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service if he had not been appointed Judge, his service as a Judge being treated as service therein for the purpose of calculating that pension; and

(b) the additional pension, if any, to which he is entitled under paragraph 3:

Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. 2,70,000 per annum in the case of a Chief Justice and Rs. 2,34,000 per annum in the case of any other Judge.

3. If such a Judge has completed not less than seven years of service for pension in a High Court, he shall be entitled to an additional pension in accordance with the following scale:—

For seven completed years of service for pension 16,898

For eight completed years of service for pension 20,280

For nine completed years of service for pension 23,649  
 For ten completed years of service for pension 27,033  
 For eleven completed years of service for pension 30,420  
 For twelve or more completed years of service for pension 33,799.

## PART III

1. \* \* \* \* \*  
 2. The pension payable to such a Judge shall be—

(a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated a service therein for the purpose of calculating that pension; and

Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs.2,70,000 per annum in the case of a Chief Justice and Rs. 2,34,000 per annum in the case of any other Judge.

EXTRACTS FROM THE SUPREME COURT JUDGES ( SALARIES AND CONDITIONS OF SERVICE)  
 ACT, 1958  
 41 OF 1958

## CHAPTER III

## SALARIES AND PENSIONS

12A. (1) There shall be paid to the Chief Justice of India, by way of salary, thirty-three thousand rupees per mensem.

Salaries of the Judges.

(2) There shall be paid to a Judge of the Supreme Court, by way of salary, thirty thousand rupees per mensem.

16A. (1) Where a Judge who, being in service on or after the commencement of the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986,—

Family pensions and gratuity.

(a) dies before retirement, family pension calculated at the rate of fifty per cent. of the pension admissible to him on the date of his death shall be payable to the person or persons entitled thereto and the amount so payable shall be paid from the day following the date of death of the Judge for period of seven years or for a period up to the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, and thereafter at the rate of half of the family pension so admissible; and

(b) dies after retirement, family pension calculated at the rate of half of the pension so admissible to him shall be payable to the person or persons entitled thereto.

*Explanation.*— For the purposes of determining the person or persons entitled to family pension under this sub-section,—

(i) in relation to a Judge who elects or is eligible to received pension under Part I of the Schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an officer of the Central Civil Services, Group 'A', shall apply;

(ii) in relation to a Judge who elects to receive pension under Part II or Part III of the Schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to the person or persons entitled to family pension shall apply and his service as a Judge being treated as service therein;

Facility of rentfree houses.

23. (1) \* \* \* \* \*

(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 thirty per cent. of the salary plus thirty per cent. of the dearness pay.

Sumptuary allowance.

23B. The Chief Justice and each of the other Judges shall be entitled to sumptuary allowance of ten thousand per month and Seven thousand and five hundred rupees per month respectively.

THE SCHEDULE

(See sections 13 and 14)

PENSIONS OF JUDGES

PART I

\* \* \* \* \*

(2) Subject to the other provisions of this Part, the pension payable to a Chief Justice to whom this Part applies shall be an amount equal to the sum of the following amounts, that is to say,—

\* \* \* \* \*

(b) an additional amount of Rs. 6,030 per annum for each completed year of service as the Chief Justice of the Supreme Court until he has become entitled to a pension of Rs. 1,82,820 per annum, and thereafter an additional amount of Rs. 15,360 for each completed year of such service:

Provided that the aggregate amount of his pension shall in no case exceed Rs. 2,97,000 per annum.

PART II

\* \* \* \* \*

2. The pension payable to such a Judge shall be—

\* \* \* \* \*

(c) the additional pension of Rs. 16,898 per annum for each completed year of service for pension in the Supreme Court:

Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. 2,97,000 per annum in the case of a Chief Justice and Rs. 2,70,000 per annum in the case of any other Judge.

PART III

\* \* \* \* \*

2. The pension payable to such a Judge shall be—

\* \* \* \* \*

(b) a special additional pension of Rs. 7,800 per annum in respect of each completed year of service for pension as a Judge in India:

Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. 2,97,000 per annum in the case of a Chief Justice and Rs. 2,70,000 per annum in the case of any other Judge.

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LOK SABHA

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BILL

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.

(Shri H.R. Bhardwaj, Minister of Law and Justice)