

Bill No. 225 of 2017

THE HIGH COURT AND SUPREME COURT JUDGES
(SALARIES AND CONDITIONS OF SERVICE)
AMENDMENT BILL, 2017

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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 Sixty-eighth 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, 2017. 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,— (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.	28 of 1954. 5
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.	10
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.	15 20
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.	25 30 35

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,— (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;	41 of 1958. 40
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(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.

5 "(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

10 (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.

15 (a) in Part 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;

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

 (C) in the proviso to paragraph 3, 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,—

25 (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.

STATEMENT OF OBJECTS AND REASONS

The salaries, allowances and pensions of the Judges of the Supreme Court and High Court were last revised with effect from 1st January, 2006, as per the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009. The Seventh Central Pay Commission recommended revision in the salaries 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, 2016.

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, allowances and pensions of the Central Government employees on acceptance of the recommendations of the Seventh Central Pay Commission by the Government.

3. The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2017 seeks to revise the salaries of the Judges with effect from the 1st day of January, 2016, as follows:—

Chief Justice of India	— from Rs. 1,00,000/- per month to Rs. 2,80,000/- per month
Judges of Supreme Court	— from Rs. 90,000/- per month to Rs. 2,50,000/- per month
Chief Justice of High Court	— from Rs. 90,000/- per month to Rs. 2,50,000/- per month
Judges of the High Court	— from Rs. 80,000/- per month to Rs. 2,25,000/- per month

The Bill also seeks to revise the rates of House Rent Allowance with effect from 1st July, 2017 and the rates of sumptuary allowance with effect from 22nd day of September, 2017.

4. The rates of pension of the Judges of the High Court and the Supreme Court were last enhanced with effect from the 1st January, 2006 by the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009. The Seventh Central Pay Commission recommended revision in the pay and pensionary benefits of the Central Government employees including the members of the All India Services. The revised pension rules have come into force on the 1st day of January, 2016. It is, therefore, necessary to increase suitably the existing pension and maximum pension of the Judges of the High Courts and the Supreme Court.

5. Based on the recommendations of the Seventh 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.

NEW DELHI;
The 11th December, 2017.

RAVI SHANKAR PRASAD

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

[Letter No. L-11017/1/2016-Jus. from Shri Ravi Shankar Prasad, 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, 2017, 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 Justice of High Courts and Judges of High Courts.

2. The Bill also seeks to revise the pension, family pension and sumptuary allowance of the Judges of the Supreme Court and High Courts.

3. The additional expenditure in respect of the Judges of the High Court 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. 20 crore out of which a recurring expenditure of Rs. 12 crore per annum for payment of salary and Rs. 8 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

Salaries of the Judges.

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

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

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Facility of rent-free houses.

22A. (1)*

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(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 to thirty per cent. of the salary.

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Sumptuary allowance.

22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of fifteen thousand rupees per month and twelve thousand rupees per month respectively.

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THE FIRST SCHEDULE

(See sections 14 and 15)

PENSIONS OF JUDGES

PART I

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2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies for pension shall be,—

(a) for service as Chief Justice in any High Court, Rs. 43,890 per annum for each completed year of service;

(b) for service as any other Judge in any High Court, Rs. 34,350 per annum for each completed year of service:

Provided that the pension under this paragraph shall in no case exceed Rs. 5,40,000 per annum in the case of a Chief Justice and Rs. 4,80,000 per annum in the case of any other Judge.

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PART III

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

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(b) a special additional pension of Rs. 16,020 per annum in respect of each completed year of service for pension:

Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. 5,40,000 per annum in the case of a Chief Justice and Rs. 4,80,000 per annum in the case of any other Judge.

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

(41 OF 1958)

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CHAPTER III

SALARIES AND PENSIONS

12A. (1) There shall be paid to the Chief Justice of India, by way of salary, one lakh rupees per mensem. Salaries of the Judges.

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

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23. (1) Facilities for rent-free houses and other conditions of service.

(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.

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23B. The Chief Justice and each of the other Judges shall be entitled to a sumptuary allowance of twenty thousand rupees per month and fifteen thousand rupees per month respectively. Sumptuary allowance.

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THE SCHEDULE

(See sections 13 and 14)

PENSIONS OF JUDGES

PART I

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2. Subject to the 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,—

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(b) an additional amount of Rs. 12,180 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. 3,69,300 per annum, and thereafter an additional amount of Rs. 31,030 for each completed year of such service:

Provided that the aggregate amount of his pension shall in no case exceed Rs. 6,00,000 per annum.

3. The pension payable to any other Judge to whom this part applies shall be an amount equal to the pension which would have been payable to him in accordance with the

scale and provisions in Part I of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954), if his service as a Judge had been rendered as the Chief Justice of a High Court:

Provided that the pension under this paragraph shall in no case exceed Rs. 5,40,000 per annum.

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PART III

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

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(b) a special additional pension of Rs. 16,020 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. 6,00,000 per annum in the case of a Chief Justice and Rs. 5,40,000 per annum in the case of any other Judge.

LOK SABHA

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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 Ravi Shankar Prasad, M.P.)

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