

**High Court And Supreme Court Judges (Salaries And
Conditions Of Service) Amendment Act, 2009**

23 of 2009

[16 March 2009]

CONTENTS

CHAPTER 1 :- Preliminary

1. Short Title And Commencement
2. Section 2

**CHAPTER 2 :- Amendment of the High Court Judges (Salaries and
Conditions of Service) Act, 1954**

3. Amendment Of Section 17A
4. Insertion Of New Section 17B
5. Amendment Of Section 22 A
6. Amendment Of Section 22C
7. Amendment Of First Schedule

**CHAPTER 3 :- Amendment of the Supreme Court Judges (Salaries
and Conditions of Service) Act, 1958**

8. Amendment Of Section 12A
9. Amendment Of Section 16A
10. Insertion Of New Section 16B
11. Amendment Of Section 23
12. Amendment Of Section 23B
13. Amendment Of Schedule

CHAPTER 4 :- Transitional provision

14. Arrears
15. Repeal And Saving

**High Court And Supreme Court Judges (Salaries And
Conditions Of Service) Amendment Act, 2009**

23 of 2009

[16 March 2009]

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 Sixtieth Year of the Republic of India as follows:--

CHAPTER 1

Preliminary

1. Short Title And Commencement :-

(1) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009.

(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.

2. Section 2 :-

CHAPTER 2

Amendment of the High Court Judges (Salaries and Conditions of Service) Act, 1954

3. Amendment Of Section 17A :-

In section 17A of the High Court Judges Act, in sub-section (i),--

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

(b) the words "plus thirty per cent, of his dearness pay subject to a minimum of one thousand nine hundred and thirteen rupees per month" shall be omitted.

4. Insertion Of New Section 17B :-

After section 17A of the High Court Judges Act, the following section shall be inserted, namely:--

" 17B. Additional quantum of pension or family pension - 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:--

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."

5. Amendment Of Section 22 A :-

In section 22A of the High Court Judges Act, in sub-section (2), the words "plus thirty per cent, of the dearness pay" shall be omitted.

6. Amendment Of Section 22C :-

In the High Court Judges Act, for section 22C, the following section shall be substituted, namely:--

"22C. Sumptuary allowance - 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."

7. Amendment Of First Schedule :-

In the First Schedule to the High Court Judges Act,--

(a) in Part I --

(i) in paragraph 2,--

(A) in clause (a), for the letters and figures "Rs. 21,945", the letters and figures "Rs. 43,890" shall be substituted;

(B) in clause (b), for the letters and figures "Rs. 16,725", the letters and figures "Rs. 34,350" shall be substituted;

(C) 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;

(ii) in paragraph 8, for the letters and figures "Rs. 2,70,000", the letters and figures "Rs. 5,40,000" shall be substituted;

(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, 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 3

Amendment of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958

8. Amendment Of Section 12A :-

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

(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. Amendment Of Section 16A :-

In section 16A of the Supreme Court Judges Act, 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. Insertion Of New Section 16B :-

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

" 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:--

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."

11. Amendment Of Section 23 :-

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.

12. Amendment Of Section 23B :-

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.

13. Amendment Of Schedule :-

In the Schedule to the Supreme Court Judges Act,--

(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;

(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, 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, 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. 2,97,000" and "Rs. 2,70,000", the letters and figures "Rs. 6,00,000" and "Rs.

5,40,000" shall, respectively, be substituted.

CHAPTER 4

Transitional provision

14. Arrears :-

The difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges Act or a Judge of the Supreme Court or his family, as the case may be, under the Supreme Court Judges Act as amended by this Act and the salary, pension or family pension payable to such Judge or his family, as the case may be, but for this Act shall be paid in two instalments, the first instalment of forty per cent, to be paid during the current financial year 2008-09 and the remaining sixty per cent, to be paid in the financial year 2009-10.

15. Repeal And Saving :-

(1) The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, 2009 (Ord. 1 of 2009) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 (28 of 1954) and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (41 of 1958) as amended by the said Ordinance shall be deemed to have been done or taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as amended by this Act.