

High Court And Supreme Court Judges (Salaries And Conditions Of Service)
Amendment Bill, 2017

Bill No. 225 Of 2017

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A 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.

High Court And Supreme Court Judges (Salaries And Conditions Of Service)
Amendment Bill, 2017

Bill No. 225 Of 2017

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

follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.

(1) This Act may be called the High Court and Supreme Court Judges (Salaries and 5 Conditions of Service) Amendment Act, 2017.

(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

2. Amendment of section 13A.

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.

3. Amendment of section 22A.

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.

4. Amendment of section 22C.

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.

5. Amendment of First Schedule.

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

6. Amendment of section 12A.

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;

(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. Amendment of section 23.

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

"(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. Amendment of section 23B.

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.

9. Amendment of the Schedule.

In the Schedule to the Supreme Court Judges Act,—

(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;

(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,—

(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

1. 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.