

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 2005

No. 46 of 2005

[15th September, 2005.]

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 Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005.

(2) It shall be deemed to have come into force on the 1st day of April, 2004.

CHAPTER II

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

Amendment of section 17A.

2. In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 17A, in sub-section (1),—

(i) after the words "family pension calculated at the rate of fifty per cent of his salary", the words "plus fifty per cent of his dearness pay" shall be inserted;

(ii) for the words "and thereafter at the rate of thirty per cent of his salary subject to a minimum of twelve hundred and seventy-five rupees per month", the words "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" shall be substituted.

Amendment of section 22A.

3. In section 22A of the High Court Judges Act, in sub-section (2), for the words "of ten thousand rupees", the words "equivalent to an amount of thirty per cent of the salary plus thirty per cent of the dearness pay" shall be substituted.

4. In section 22C of the High Court Judges Act, for the words "three thousand" and "two thousand", the words "seven thousand five hundred" and "six thousand" shall respectively be substituted.

Amendment
of section
22C.

5. In the First Schedule to the High Court Judges Act,—

Amendment
of the First
Schedule.

(a) in Part I,—

(i) in paragraph 2,—

(A) in clause (a), for the letters and figures "Rs. 14,630", the letters and figures "Rs. 21,945" shall be substituted;

(B) in clause (b), for the letters and figures "Rs. 11,150", the letters and figures "Rs. 16,725" shall be substituted;

(C) in the proviso, for the letters and figures "Rs. 1,80,000" and "Rs. 1,56,000", the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000" shall respectively be substituted;

(ii) in paragraph 8, for the letters and figures "Rs. 1,80,000", the letters and figures "Rs. 2,70,000" shall be substituted;

(iii) in paragraph 9, for the letters and figures "Rs. 51,190", the letters and figures "Rs. 76,785" shall be substituted;

(b) in Part II,—

(i) in the proviso to paragraph 2, for the letters and figures "Rs. 1,80,000" and "Rs. 1,56,000", the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000" shall respectively be substituted;

(ii) in paragraph 3, for the figures "11,265", "13,520", "15,766", "18,022", "20,280" and "22,533", the figures "16,898", "20,280", "23,649", "27,033", "30,420" and "33,799" shall respectively be substituted;

(c) in Part III,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 5,200", the letters and figures "Rs. 7,800" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 1,80,000" and "Rs. 1,56,000", the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000" shall respectively be substituted.

CHAPTER III

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

6. In section 13 of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), clause (a) shall be omitted.

Amendment
of section 13.

7. After section 13 of the Supreme Court Judges Act, the following section shall be inserted, namely:—

Insertion of
new section
13A.

Benefit of added years of service.

"13A. Subject to the provisions of this Act, a period of ten years shall be added to the service of a Judge for the purposes of his pension, who qualified for appointment as such judge under sub-clause (b) of clause (3) of article 124 of the Constitution."

Amendment of section 16A.

8. In the Supreme Court Judges Act, in section 16A, in sub-section (1),—

(i) in clause (a),—

(A) after the words "family pension calculated at the rate of fifty per cent of his salary", the words "plus fifty per cent of his dearness pay" shall be inserted;

(B) after the words "and thereafter at the rate of thirty per cent of his salary", the words "plus thirty per cent of his dearness pay" shall be inserted;

(ii) in clause (b), after the words "family pension shall be thirty per cent of his salary", the words "plus thirty per cent of his dearness pay" shall be inserted.

Amendment of section 23.

9. In section 23 of the Supreme Court Judges Act, in sub-section (1A), for the words "of ten thousand rupees", the words "equivalent to an amount of thirty per cent of the salary plus thirty per cent of the dearness pay" shall be substituted.

Amendment of section 23B.

10. In section 23B of the Supreme Court Judges Act, for the words "four thousand" and "three thousand", the words "ten thousand" and "seven thousand five hundred" shall respectively be substituted.

Amendment of the Schedule.

11. In the Schedule to the Supreme Court Judges Act,—

(a) in Part I,—

(i) in paragraph 2,—

(A) the words "and who has completed not less than seven years of service for pension as a Judge in India" shall be omitted;

(B) in clause (b), for the letters and figures "Rs. 4,020", "Rs. 1,21,880" and "Rs. 10,240", the letters and figures "Rs. 6,030", "Rs. 1,82,820" and "Rs. 15,360" shall respectively be substituted;

(C) in the proviso, for the letters and figures "Rs. 1,98,000", the letters and figures "Rs. 2,97,000" shall be substituted;

(ii) in paragraph 3,—

(A) the words "and who has completed not less than seven years of service for pension as a Judge in India" shall be omitted;

(B) in the proviso, for the letters and figures "Rs. 1,80,000", the letters and figures "Rs. 2,70,000" shall be substituted;

(iii) Paragraph 5 shall be omitted.

(b) in Part II,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 11,265", the letters and figures "Rs. 16,898" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 1,98,000" and "Rs. 1,80,000", the letters and figures "Rs. 2,97,000" and "Rs. 2,70,000" shall respectively be substituted;

(c) in Part III,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 5,200", the letters and figures "Rs. 7,800" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 1,98,000" and "Rs. 1,80,000", the letters and figures "Rs. 2,97,000" and "Rs. 2,70,000" shall respectively be substituted;