

THE SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1971

No. 77 OF 1971

[30th December, 1971.]

An Act to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1971.

Short title and commencement.

(2) Section 3 shall be deemed to have come into force on the 1st day of May, 1958, clauses (a) and (b) of section 4 shall be deemed to have come into force on the 17th day of October, 1958 and the other provisions of this Act shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

41 of 1958. 2. In section 3 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the principal Act), in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

Amendment of section 3.

“(a) leave on full allowances (including commuted leave on half allowances into leave on full allowances on medical certificate); or”.

3. In clause (a) of sub-section (2) of section 4 of the principal Act,—

Amendment of section 4.

(a) in sub-clause (i), the word “and”, occurring at the end, shall be omitted;

(b) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iii) where the Judge was, prior to his appointment as such, a Judge of a High Court, the period of leave earned by him as a Judge of the High Court, so, however, that such period shall not exceed four months in terms of leave on half allowances; and”.

4. In section 5 of the principal Act,—

Amendment of section 5.

(a) in sub-section (1), after the words “three years”, the brackets, words, figures and letter “[including the period credited to his leave account under sub-section (2) (a) (iii) of section 4 as leave earned by him as a Judge of a High Court]” shall be inserted;

¹15-1-1972: vide Notification No. G.S.R. 105 dated 10-1-1972, Gazette of India Part II, Section 3(i), p. 353.

(b) in sub-section (2), for the words, brackets, figures and letter "credited to his leave account under sub-section (2) (a) (ii) of section 4 as compensation for vacation not enjoyed.", the following shall be substituted, namely:—

"credited to his leave account—

(a) under sub-section (2) (a) (ii) of section 4 as compensation for vacation not enjoyed, and

(b) under sub-section (2) (a) (iii) of section 4 as leave earned by him as a Judge of a High Court.";

(c) in sub-section (3), for the words "The maximum period of leave which may be granted", the words, brackets, figures and letter "Subject to the provisions of sub-section (2) of section 5A, the maximum period of leave which may be granted" shall be substituted.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. (1) Notwithstanding anything contained in sub-section (2) of section 5, a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate up to a maximum of three months during the whole period of his leave as a Judge.

(2) In computing the maximum period of leave on full allowances which may be granted at one time to a Judge under sub-section (3) of section 5, the amount of commuted leave permitted to him under this section shall not be taken into account."

6. In section 9 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

"Provided that the monthly rate of leave allowances payable to a Judge in respect of leave credited to his leave account under sub-section (2) (a) (iii) of section 4 shall not exceed the rate of leave allowances admissible to him therefor as a Judge of a High Court and shall be payable by the State Government concerned."

7. In section 24 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Insertion of new section 5A. Commutation of leave on half allowances into leave on full allowances.

Amendment of section 9.

Amendment of section 24.