

Rep. by Act.....19 of 1988, s. 2 & sch. I

THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1980

No. 57 OF 1980

[10th December, 1980.]

An Act further to amend the High Court Judges (Conditions of Service) Act, 1954, and the Supreme Court Judges (Conditions of Service) Act, 1958.

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

CHAPTER I

PRELIMINARY

Short
title.

1. This Act may be called the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1980.

CHAPTER II

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

Amend-
ment of
section 2.

2. In section 2 of the High Court Judges (Conditions of Service) Act, 1954 (hereafter in this Chapter referred to as the High Court Judges Act), in clause (h) of sub-section (1), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) the amount, actually taken, of each period of leave on full allowances at a rate equal to the monthly rate of the salary;”

Amend-
ment of
section 9.

3. In section 9 of the High Court Judges Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that where leave on full allowances is granted to a Judge on medical certificate, the monthly rate of leave allowances

shall, for the first one hundred and twenty days of such leave, be a rate equal to the monthly rate of his salary."

4. In the High Court Judges Act, in the *Explanation* to section 14 and in section 15, for the words "pensionable civil post", wherever they occur, the words "pensionable post" shall be substituted and shall be deemed always to have been substituted.

Amendment of sections 14 and 15.

5. After section 22C of the High Court Judges Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1975, namely:—

Insertion of new section 22D.

'22D. Notwithstanding anything contained in the Income-tax Act, 1961,—

43 of 1961.

(a) the value of rent-free official residence provided to a Judge under sub-section (1) of section 22A; or

(b) the allowance paid to him under sub-section (2) of that section,

shall not be included in the computation of his income chargeable under the head "Salaries" under section 15 of the Income-tax Act, 1961.

Exemption from liability to pay income-tax on certain perquisites or allowance received by a Judge.

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

(a) in paragraph 1 of Part I, for the words "pensionable civil post", at both the places where they occur, the words "pensionable post" shall be substituted and shall be deemed always to have been substituted;

(b) in paragraph 1 of Part III, for the words "civil pensionable post", the words "pensionable post" shall be substituted and shall be deemed always to have been substituted.

Amendment of First Schedule.

CHAPTER III

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

41 of 1958.

7. In section 2 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereafter in this Chapter referred to as the Supreme Court Judges Act), in clause (h), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

Amendment of section 2.

“(iii) the amount, actually taken, of each period of leave on full allowances at a rate equal to the monthly rate of the salary;”

8. In section 9 of the Supreme Court Judges Act, to sub-section (1), the following proviso shall be added, namely:—

Amendment of section 9.

“Provided that where leave on full allowances is granted to a Judge on medical certificate, the monthly rate of leave allowances shall, for the first one hundred and twenty days of such leave, be a rate equal to the monthly rate of his salary.”

REPEALED

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High Court and Supreme Court Judges [Act 57 of 1980]
(Conditions of Service) Amendment

Amend-
ment of
sections
13 and
14 and
Sche-
dule.

9. In the Supreme Court Judges Act, in the *Explanation* to section 13, in section 14, in paragraph 1 of Part I, and in paragraph 1 of Part III, of the Schedule, for the words "pensionable civil post", wherever they occur, the words "pensionable post" shall be substituted and shall be deemed always to have been substituted.

Inser-
tion of
new
section
23D.

10. After section 23C of the Supreme Court Judges Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1975, namely:—

Exemp-
tion
from
liabi-
lity to
pay
income-
tax on
certain
per-
quisites
received
by a
Judge.

'23D. Notwithstanding anything contained in the Income-tax Act, 1961, the value of rent-free official residence provided to a Judge under sub-section (1) of section 23 shall not be included in the computation of his income chargeable under the head "Salaries" under section 15 of the Income-tax Act, 1961.' 43 of 1961.