THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1988

No. 20 of 1988

[8th April, 1988.]

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

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1988.

Short title and commencement.

(2) The provisions of sections 2 and 5 shall be deemed to have come into force on the 1st day of January, 1986 and the provisions of sections 3, 4, 6 and 7 shall be deemed to have come into force on the 1st day of November, 1986.

CHAPTER II

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

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- 2. In section 17A of the High Court Judges (Conditions of Service) Act, 1954 (hereafter in this Chapter referred to as the High Court Judges Act), in sub-section (3), in clause (ii), the word "and" occurring at the end, and clause (iii), shall be omitted.
- 3. For section 22D of the High Court Judges Act, the following section shall be substituted, namely:—

43 of 1961.

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Section Street

- '22D. Notwithstanding anything contained in the Income-tax Act, 1961,—
- '(a) the value of rent-free official residence provided to a Judge under sub-section (1) of section 22A or the allowance paid to him under sub-section (2) of that section;
- (b) the value of the conveyance facilities provided to a Judge under section 22B;
 - (c) the sumptuary allowance provided to a Judge under section 22C,

Amendment of section 17A.

Substi-

tution of new section for section 22D. Exemption from liabi. lity to pay incometax on certain perquisites received

by a Judge. 206 High Court and Supreme Court Judges (conditions FACT 20 of Service) Amendment shall not be included in the computation of his income chargeable under the head "Salaries" under section 15 of the Income-tax Act CONTRODAS DO TERRICO SATENDALA ACT 4. In the First Schedule to the High Court Judges Act,— (a) in Part I,— (i) for paragraph 2, the following paragraph shall be substituted, namely:-"2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and 1.3301 Jack who has completed not less than seven years of service for to anothe pension shall be to the the same of control to well a 200 (thro) eaght (a) for service as Chief Justice in any High Court, Rs. 4,500 per annum for each completed year of service; her Hudgedin any (b) for service as any other Hudgedin any High Court, Rs. 3,430 per annum for each completed year of Provided that the pension under this paragraph shall in no case exceed Rs. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any, other Judges (Conditions of Service) Amenance Act 1988, sport emos evan beautiful paragraphs 3 to 5 shall be omitted; Escriber of the following paragraph of the following paragraph shall be to be sections.

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"6. A Judge who has rendered service for pension both as Chief Justice and other Judge in any High Court may claim that any period of service of less than a completed 1981 TOA (Tyleaf Tendered by him as "Chief Justice," of any portion of .12A (9217132apy such period, shall be treated for the purposes of para-, (to A segun graph 2 as service rendered by him, as other Judge in a (iv) in paragraph 8, for the word "twelve" and for the figures "20,000", the word "fourteen" and the figures "54,000" shall resnoiles apeatively be substituted; we of the of it noiles and settle

(v) in paragraph 9, for the figures 6,000, the figures "15,750" shall be substituted;

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(vi) paragraphs 10 and 11 shall be omitted; 22D. note destanding anything continuent parthe (dycome-tax tet, 196∔

(i) to paragraph 2, the following proviso shall be added, of beinamely: market beginning assistant and a substraint (b) Judge under sub-section (it of section 22A :noi Provided that the pension under clauses (a) and the additional pension under clause (b) together shall in no Justice and Rs. 48,000 per annum in the case of any other (c) the sumptuary allowance provided "agont Judge, under

> (ii) in paragraph 3, for the figures "1,335", "1,600", "1,866" "2,133", "2,400" and "2,666" the figures "3,466", "4,160", "4,851", "5,545", "6,240" and "6,933" shall respectively be substituted;

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bobbs and diii) paragraph 4 shall be omitted and of (ii)

(c) in Part III,-

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Previoud had tor! (i) in paragraph 2,-

95 Case 6 : 0 | 75, 39 340 (A) in clause (b), for the figures "500" and "2,500", the figures "1,600" and "8,000" shall respectively be substituted;

(B) after clause (b), the following proviso shall be inserted namely:--

"Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any other Judge.":

-dua ad lada (n) paragraphs 3 and 4 shall be omitted

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41 of 1958.

5. In section 16A of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereafter in this Chapter referred to as the Supreme Court Judges Act), in sub-section (2), in clause (ii), the word and occurring

at the end, and clause (iii), shall be omitted. It is to (b)

6. For section 23D of the Supreme Court Hudges Act, the following section shall be substituted, namely: --- results at (%) - itselfer at the real of

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43 of 1961.

23D. Notwithstanding anything contained in the Income-tax Act, 1961,—

Legistre-4" the (b) (a) the value of rent-free official residence provided to Tada radi 331 (4) the value of rent-free onicial reside 30 3060 ad udge under sub-section (1) of section 23;

- to said out to (b) the value of the wonveyance declities provided to a Judge under section 23A;
 - (c) the sumptuary allowance deprovided to a Judge under section 23B.

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

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

(a) in Part I,—

- (i) in paragraph 2,—
- (A) in clause (b), for the figures "470", "20.000" and "1,200", the figures "1,235", "37,500" and "3,150" shall pectively be substituted;
- (B) in the proviso, for the figures "26,000", the figures "60,000" shall be substituted;

Amendment of section 16A.

Substitution of new section for section 23D.

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

> Amendment of the Sche_ dule.

208 High Court and Supreme Court Judges (Conditions [Acr 20 of 1988] of Service) Amendment

(ii) to paragraph 3, the following proviso shall be added, namely:—

"Provided that the pension under this paragraph shall in no case exceed Rs. 54,000 per annum.";

- (iii) in paragraph 5, for the figures "7,500", the figures "19,700" shall be substituted;
 - (iv) paragraphs 6 and 7 shall be omitted;
- (b) in Part II,—
 - (i) in paragraph 2,-
 - (A) in clause (b), for the figures "1,400", the figures "3,454" shall be substituted;
 - (B) for the proviso, the following proviso shall be substituted, namely:—

"Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. 60,000 per annum in the case of a Chief Justice and Rs. 54,000 per annum in the case of any other Judge.";

- (ii) paragraph 3 shall be omitted;
- (c) in Part III,—
 - (i) in paragraph 2,-
 - (A) in clause (b), for the figures "500" and "2,500", the figures "1,600" and "8,000" shall respectively be substituted:
 - (B) after clause (b), the following proviso shall be inserted, namely:—

"Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. 60,000 per annum in the case of a Chief Justice and Rs. 54,000 per annum in the case of any other Judge.";

(ii) paragraphs 3 and 4 shall be omitted,