

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 Supreme Court Judges (Conditions of Service) Act, 1958.

BE 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

28 of 1954.

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.

Amendment of section 17A.

3. For section 22D of the High Court Judges Act, the following section shall be substituted, namely:—

Substitution of new section for section 22D.

43 of 1961.

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

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

(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,

Amend-
ment of
First
Schedule.

shall not be included in the computation of his income chargeable under the head "Salaries" under section 15 of the Income-tax 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 who has completed not less than seven years of service for pension shall be,—

(a) for service as Chief Justice in any High Court, Rs. 4,500 per annum for each completed year of service;

(b) for service as any other Judge in any High Court, Rs. 3,430 per annum for each completed year of service:

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 Judge."

(ii) paragraphs 3 to 5 shall be omitted;

(iii) for paragraph 6, the following paragraph shall be substituted, namely:—

"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 year rendered by him as Chief Justice, or any portion of any such period, shall be treated for the purposes of paragraph 2, as service rendered by him as other Judge."

(iv) in paragraph 8, for the word "twelve" and for the figures "20,000", the word "fourteen" and the figures "54,000" shall respectively be substituted;

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

(vi) paragraphs 10 and 11 shall be omitted;

(b) in Part II,—

(i) to paragraph 2, the following proviso shall be added, 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."

(ii) In paragraph 3, for the figures "1,333", "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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(iii) paragraph 4 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. 54,000 per annum in the case of a Chief Justice and Rs. 48,000 per annum in the case of any other Judge.";

(ii) paragraphs 3 and 4 shall be omitted.

CHAPTER III

AMENDMENT OF THE SUPREME COURT JUDGES (CONDITIONS OF SERVICE)

Act, 1958.

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.

Amendment of section 16A.

6. For section 23D of the Supreme Court Judges Act, the following section shall be substituted, namely:—

Substitution of new section for section 23D.

43 of 1961.

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

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

(a) the value of rent-free official residence provided to a Judge under sub-section (1) of section 23;

(b) the value of the conveyance facilities provided to a Judge under section 23A;

(c) the sumptuary allowance provided 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,—

Amendment of the Schedule.

(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 respectively be substituted;

(B) in the proviso, for the figures "26,000", the figures "60,000" shall be substituted;

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(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,