

Supreme Court Judges (Salaries and Conditions of Service) Act, 1958

February 27, 2013

Section 1. Short title

41 of 1958

17th October, 1958.

"Under clause (2) of Article 125 of the Constitution, every Judge of the Supreme Court is entitled to "such privileges and allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament" but neither the privileges nor the allowances of a Judge nor his rights in respect of leave of absence or pension can be varied to his disadvantage after appointment.

2. This Bill seeks to determine the rights of the Judges of the Supreme Court in respect of leave of absence, pension and other conditions of service.

3. At present, a Judge of the Supreme Court is entitled, during the whole period of his service in such Court, to leave on medical certificate on Rs. 1,110 per month, to leave otherwise than on medical certificate on Rs. 1,110 per month, and to extraordinary leave without allowances, in each case for a period of six months. It is now proposed to allow them the same leave terms as are admissible to High Court Judges with slight modifications. They will now earn leave on half allowances for a period equal to one-fourth of the time spent on actual service subject to a maximum of three years during entire period of service, leave on full allowances being treated as double the period of leave on half allowances. The maximum amount of leave that may be granted at one time shall not exceed five months, in the case of leave on full allowances and sixteen months, in the case of leave on half allowances. The aggregate amount of leave on full allowances which may be granted to a Judge during the whole of period of service shall not exceed one-twenty-fourth of the period spent by him on actual service. Leave not due may also be granted to a Judge up to a specified limit with or without a medical certificate provided the Judge is expected to return to duty and earn such leave. Extraordinary leave without allowances may be taken up to a period of six months during the entire period of service. During leave on full allowances, the Judge will be paid full salary for the first 45 days of such leave and Rs. 2,220 per month for the remaining portion of such leave. During leave on half allowances, the Judge will get Rs. 1,110/- per month.

4. No substantial change is proposed in the rates of pension hitherto admissible to the Judges of the Supreme Court. Rates of pension have, however, been expressed in Indian currency and not in sterling. Provision has also been made that a Judge would be entitled to a minimum pension of Rs. 7,500 per annum, if he is not entitled to any other pension.

5. Special provision has also been made to govern certain other subsidiary conditions of service, such as medical attendance facilities which are enjoyed by all Government servants and which, up to the commencement of the Constitution, were admissible to Judges of the Federal Court under paragraph 23 of the Government of India (Federal Court) Order, 1937. These

matters will now be provided for by rules to be made under the Bill." -Gaz. of Iad., 1958, Extra.. Pt. n, S. 2, p. 977. An Act to regulate certain conditions of service of the Judges of (he Supreme Court.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:-

This Act may be called THE SUPREME COURT JUDGES ¹[(Salaries and Conditions of Service)]ACT, 1958.

1. Substituted for "(CONDITIONS OF SERVICE) ", vide The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1998 (18 Of 1998), Dt. July 7, 1998 Published in Received the assent of the President on July 7, 1998, and published in the Gazette of India, Extra., Part II, Section 1, dated 7th July, 1998, pp. 1-3, No. 35

Section 2. Definitions

In this Act, unless the context otherwise requires,-

(a) "acting Chief Justice" means a Judge appointed under Art. 126 of .the Constitution to perform the duties of the Chief Justice of India;

(b) "actual service" includes-

(i) time spent by a Judge on duty as Judge, Of in the performance of such other functions as he nay, at the request of the President, undertake to discharge; and

(ii) vacations:

(c) "Chief Justice" means the Chief Justice of India, but does not include as acting Chief Justice;

(d) "High Court" means the High Court for a State;

(e) "Judge" means a Judge of the Supreme Court and includes the Chief Justice and an acting Chief Justice;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "service as a Judge in India" means service rendered either in the Federal Court or in the Supreme Court or in any such Court and in one or more of the High Courts, and "Judge in India" and "service for pension as a Judge in India" shall be construed accordingly;

(h) "service for pension" includes-

(i) actual service;



(ii) time spent by a Judge of a High Court in attending the sittings of the Supreme Court as an ad hoc Judge under art. 127 of the Constitution if he is subsequently appointed as a Judge-

(iii) forty-five days or the amount actually taken, whichever is less, of each period of leave on full allowances;

(i) "vacation" means such period or periods during a year as may be fixed as vacation by or under the rules of the Supreme Court made with the prior approval of the President.

Section 3. Kinds of leave admissible to a Judge

(1) Subject to the provisions of this Act, leave granted to a Judge may be at his option either-

¹[(a) leave on full allowances (including commuted leave on half allowances into leave on full allowances on. medical certificate); or.]

(b) leave on half allowances; or

(c) leave partly on full allowances and partly on half allowances.

(2) For the purposes of this Chapter, any period of leave on full allowances shall be reckoned as double that period of leave on half allowances.

1. Substituted by the Supreme Court Judges (Conditions of Service) Amendment Act, 1971 (77 of 1971), S. 2. (15-1-1972).



Section 4. Leave account showing the amount of leave due

(1) A leave account shall be kept for each Judge showing therein the amount of leave due to him in terms of leave on half allowances.

(2) In the leave account of a Judge-

(a) there shall be credited to him-

(i) one-fourth of the time spent by him on actual service; ¹[*].

(ii) where the Judge, by reason of his having been detained for the performance of duties not connected with the Supreme Court, cannot enjoy any vacation which he would otherwise have been entitled to enjoy had he not been so detained, as compensation for the vacation not enjoyed, a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month; and

²[(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, ¹[***]and.]

(b) there shall be debited to him all leave with allowances taken by him.

(3) This section shall be deemed to have come into force on the 1st day of May, 1958.

1. Word "and" at the end of sub-clause (i) omitted and sub-clause (iii) inserted by the Supreme Court Judges (Conditions of Service) Amendment Act, 1971 (77 of 1971), S. 3 (w.r.e.f. 1-5-1958).

2. Omitted for "so, however, that such period shall not exceed two hundred and forty days in terms of leave on full allowances" in sub-clause (iii) of clause(a) for sub-section(2) of section 4 by The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998 (7, 1999) dated 8, January, 1999

Section 4A. Leave encashment

A Judge shall be entitled in his entire service, including the period of service rendered either as a Judge of a High Court or in a pensionable post under the Union or a State or on re-employment, if any, to claim the cash equivalent of leave salary on his retirement in respect of the period of earned leave at his credit, to the extent of the maximum period prescribed for encashment of such leave under the All India Services (Leave) Rules, 1955."

Section 5. Aggregate amount of leave which may be granted

(1) The aggregate amount of leave which may be granted to a Judge during the whole period of his service as such shall not exceed in terms of leave on half allowances three years ¹[including the period credited to his leave account under sub-sec. (2) (a) (iii) of section 4-as leave earned by him as a Judge of a High Court] together with the aggregate of the periods, if any, credited to his leave account under sub-section (2) (a) (ii) of section 4-as compensation for vacation not enjoyed.

(2) The aggregate amount of leave on full allowances which may be granted to a Judge during the whole period of his service as such shall not exceed one-twenty-fourth of the period spent by him on actual service together with one-half of the aggregate periods, if any, 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.

(3) ²[Subject to the provisions of sub-section (2) of section 5A-, the maximum period of leave which may be granted] at one time shall be in the case of leave on full allowances, five months and in the case of leave with allowances of any kind, sixteen months.

1. Inserted, by the Supreme Court Judges (Conditions of Service) Amendment Act, 1971.

2. Substituted for the words "The maximum period of leave which may be granted" by the Supreme Court Judges (Conditions of Service) Amendment Act, 1971 (77 of 1971), S. 3 (w.r.e.f. 17-10-1958).

Section 5A. Commutation of leave on half allowances into leave on full allowances

(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 service 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 com-muted leave permitted to him under this section shall not be taken, into account.

Section 6. Grant of leave not due

Subject to the maximum limit specified in sub-section (1) of section 5-, leave on half allowances may be granted to a Judge in excess of the amount at his credit-

(i) on medical certificate ; or

(ii) otherwise than on medical certificate, for a period not exceeding six months, or for two or more periods not exceeding in the aggregate six months, during the whole period of his service as a Judge:

Provided that no such leave shall be granted if the Judge is not expected to return to duty at the end of such leave and earn the leave granted. Note: Leave under this section is granted only when the Judge is expected to re-turn to duly at the end of such leave and earn the leave granted. Leave granted under this section will be adjusted with the leave earned in future.

Section 7. Special disability leave

Special disability leave may be granted to a Judge under such circumstances, on such allowances and for such periods as may be prescribed.

Section 8. Extraordinary leave

Extraordinary leave may be grated to a Judge for a period not exceeding six months, or for two or more periods not exceeding in the aggregate six months, during the whole period of his service as a Judge in excess of any leave permissible under the foregoing provisions of this Chapter, but no salary or allowances shall be payable in respect of such leave.

Section 9. Leave allowances

(1) The monthly rate of leave allowances payable to a Judge while on leave on full allowances shall be for the first forty-five days of such leave a rate equal to the monthly rate of the salary and thereafter two thousand two hundred and twenty rupees.

(2) The monthly rate of leave allowances payable to a Judge while on leave on half allowances shall be one thousand one hundred and ten rupees.

¹[Provided that the monthly rate of leave allowances payable to a Judge in respect of leave credit to his leave account under sub-section (2) (a) (iii) of section 4-shall not exceed the rate of leave allowances admissible to him therefore as a Judge of a High Court and shall be payable by the State Government concerned.]

1. Inserted by the Supreme Court Judges (Conditions of Service) Amendment Act, 1971 (77 of 1971), S. 6 (15-1-1972).

Section 10. Combining leave with vacation



A Judge may be permitted to combine vacation on full salary with leave, if-

- (a) where the vacation consists of one continuous period, the leave is taken either at the commencement or at the end of the vacation but not at both;
- (b) where the vacation is divided into two periods, the leave is taken for the interval, or part of the interval, between the two periods of that vacation, or for the interval, or part of the interval, between the second period of that vacation and the commencement of the next ensuing vacation: Provided that no such permission to combine vacation with leave shall be granted if it becomes necessary to appoint an acting Chief Justice during the period of vacation or if the Judge is not expected to return to duty at the end of such leave.

Section 11. Consequences of overstaying leave or vacation

(1) If a Judge overstays leave or any vacation, whether combined with leave or not, he shall receive no salary in respect of the period of his absence in excess of the leave granted to him or beyond the end of the vacation, as the case may be:

Provided that, if such absence is due to circumstances beyond his control, the period thereof may be treated as leave and may be debited to his leave account.

(2) Nothing in this Act shall be construed as requiring a Judge to rejoin on the expiration of the period of leave when that period expires immediately before the commencement of a vacation, nor as authorizing any acting Chief Justice to continue to hold the acting appointment during the vacation.

Section 12. Authority competent to grant leave

The authority competent to grant or refuse leave to a Judge or to revoke or curtail the leave already granted to a Judge shall be the President who shall exercise the power after consultation with the Chief Justice.

Section 12A. Salaries of the Judges

(1) There shall be paid to the Chief Justice of India, by way of salary, thirty-three thousand rupees per mensem.

(2) There shall be paid to a Judge of the Supreme Court, by way of salary, thirty thousand rupees per mensem.

Section 13. Pension payable to Judges

Subject to the provisions of this Act, a pension shall be payable in accordance with the provisions of Part I of the Schedule to a Judge of the Supreme Court on his retirement if, but only if,-

- (a) ¹***]
- (b) he has attained the age of sixty-five years; or
- (c) his retirement is medically certified to be necessitated by ill-health.

Explanation



In this section, "Judge" means a Judge who is not a member of the Indian Civil Service or has not held any other pensionable civil post under the Union or a State and includes a person who was in service as a Judge on the 20th May, 1954, and also includes a Judge who being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State has elected to receive the pension payable under Part I of the Schedule.

1. Omitted by Act No. 46 of 2005 w.e.f. 15-9-2005.

Section 13A. Benefit of added years of service

¹[Benefit of added years of service. 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].

1. Section 13-A Inserted by Act No. 46 of 2005 w.e.f. 15-9-2005.

Section 14. Special provisions for pension In respect of Judges who are members of service

¹[(1)] Every Judge-

(a) who is a member of the Indian Civil Service shall, on his retirement, be paid a pension in accordance with the provisions of Part II of the Schedule;

(b) who is not a member of the Indian Civil Service but has held any other pensionable civil post under the Union or a State shall, on his retirement, be paid a pension in accordance with the provisions of Part III of the Schedule: Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the Schedule or as the case may be, Part II or Part III of the Schedule, and the pension payable to him shall be calculated accordingly.

¹[(2) Notwithstanding anything contained in sub-section (1) any Judge to whom that sub-section applies and who is in service on or after the 1st day of October, 1974 may, if he has elected under the proviso to that sub-section to receive the pension payable to him under Part II or, as the case may be, Part III of the Schedule before the date on which the Supreme Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President, cancel such election and elect afresh to receive the pension payable to him under Part I of the Schedule and any such Judge who dies before the date of such assent, shall be deemed to have elected afresh to be governed by the provisions of the said Part I if the provisions of that Part are more favorable in his case.]

1. Section 14 renumbered as sub-section (1) and sub-section (2) inserted by the Supreme Court Judges (Conditions of Service) Amendment Act, 1976 (36 of 1976), S. 2 (w.r.e.f. 1-10-1974).

Section 15. Power of President to add to the services for pension



The President may, for special reasons, direct that any period not exceeding three months shall be added to the service for pension of a Judge, and any such period so added shall count for pension purposes-

(a) In the case of a Judge who has served in the Supreme Court as Chief Justice, as service as Chief Justice and

(b) In the case of any other Judge, as service as any other Judge.

Section 16. Extraordinary pension

Extraordinary pensions and gratuities may be granted to a Judge under such circumstances and on such scales as may be prescribed.

Section 16A. Family pension and gratuity

¹⁻²(1) Where a Judge who, being in service on or after the commencement of the High Court and Supreme Court Judges(Conditions of Service) Amendment Act, 1986,-

(a) dies before retirement, ³["family pension calculated at the rate of fifty per cent of his salary"¹¹[plus fifty per cent of his dearness pay]] on the date of his death shall be payable to the person or persons entitled thereto and the amount so payable shall be paid from the day following the date of death of the Judge for a period of seven years or for a period up to the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, ⁴[and thereafter at the rate of thirty per cent of his salary"¹²[plus thirty per cent of his dearness pay]]]; and

(b) dies after retirement, ⁵["family pension shall be thirty per cent of his salary"¹³[plus thirty per cent of his dearness pay]] to him shall be payable to the person third persons entitled thereto.

Explanation

For the purposes of determining the person or persons entitled to family pension under this sub-section,-

(i) in relation to a Judge who elects or is eligible to receive pension under Part I of the Schedule, the rules, notifications and orders for the time being in force with regard to the person or persons entitled to family pension in relation to an officer of the Central Civil Services, Group 'A', shall apply;

(ii) in relation to a Judge who elects to receive pension under Part II or Part III of the Schedule, the ordinary rules of his service if he had not been appointed a Judge with respect to the person or persons entitled to family pension shall apply and his service as a Judge being treated as service therein.

⁶Provided that in no case the amount of family pension calculated under this sub-section shall exceed the pension payable to the Judge under this Act.

(2) The rules, notifications and orders for the time being in force with respect to the grant of death-cum-retirement gratuity benefit to or in relation to an officer of the Central Civil Services, Class I (including the provisions relating to deductions from pension for the purpose) shall apply to or in relation to the grant of death-cum-retirement gratuity benefit to or in relation to a Judge



who, being in service on or after the 1st day of October, 1974, retires, or dies in circumstances to which section 16-does not: apply, subject to the modifications that-

(i) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months-

(ii) The amount of gratuity shall be calculated on the basis of ⁷[ten day's] salary for ⁸[each completed six months period] of service as a Judge; and

(iii) The maximum amount of gratuity payable shall be ⁹[fifty thousand rupees.]

Explanation

¹⁰[In sub-section (2)] the expression "Judge" has the same meaning as in section 13-.]

1. Inserted by the Supreme Court Judges (Conditions of Service) Amendment Act, 1976 (36 of 1976), S. 3 (w.r.e.f. 1-10-1974).

2. Substituted in section 16-A for subsection (1) by THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1986 (38 of 1986) dated 26th August, 1986

3. In Section 16A sub-section (1) clause (a) the words "family pension calculated at the rate of sixty per cent of the pension admissible to him" shall be substituted by Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2002 (Act 8 of 2003), published in the Gazette of India, Extra.. Pan II. Section I, dated 7th January, 2003, pp. 1-2. No. X

4. In Section 16A sub-section (1) clause (a) the words "and thereafter at the rate of half of the family pension so admissible" shall be substituted by Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2002 (Act 8 of 2003), published in the Gazette of India, Extra. Pan II. Section I, dated 7th January, 2003, pp. 1-2. No. X

5. In Section 16A sub-section (1) clause (b) the words shall be substituted by Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2002 (Act 8 of 2003), published in the Gazette of India, Extra.. Pan II. Section I, dated 7th January, 2003, pp. 1-2. No. X

6. In Section 16A sub-section (1) proviso shall be inserted by Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2002 (Act 8 of 2003), published in the Gazette of India, Extra. Pan II. Section I, dated 7th January, 2003, pp. 1-2. No. X

7. Substituted for "twenty days" in clause (ii) of sub-section (2) of section 16-A by the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998 (7, 1999) dated 8, January, 1999

8. Substituted for "each completed year" in clause (ii) of sub-section (2) of section 16-A by the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998 (7, 1999) dated 8, January, 1999



9. Substituted "thirty thousand rupees" in section 16-A for sub-section (2) of clause (iii) by THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1986 (38 of 1986) dated 26th August, 1986

10. Substituted "In this section" in Explanation of section 16-A by THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1986 (38 of 1986) dated 26th August, 1986

11. Inserted by Act No. 46 of 2005 w.e.f. 15-9-2005.

12. Inserted by Act No. 46 of 2005 w.e.f. 15-9-2005.

13. Inserted by Act No. 46 of 2005 w.e.f. 15-9-2005.

Section 17. Pension payable to a Judge who was in receipt of pension at the time of appointment as such

If, at the time of his appointment to the Supreme Court, a Judge is in receipt of a pension in respect of any previous service either as a Judge of a High Court or in any other pensionable civil post under the Union or a State, the pension payable to him under this Act shall be an additional pension for service in the Supreme Court equal to the difference between his original pension and the pension to which he would have been entitled under this Act, if his service in the Supreme Court had been rendered in continuation of the previous service for which his original pension was granted.

Section 18. Conversion of sterling pension into rupees

Pensions expressed in sterling only shall, if paid in India, be converted into rupees at such rate of exchange as the Central Government may, from time to time, specify in this behalf.

Section 19. Commutation of pension

The Civil Pensions (Commutation) Rules for the time being in force shall, with necessary modifications, apply to Judges.

Section 20. Provident fund

Every Judge shall be entitled to subscribe to the General Provident Fund (Central Services):

Provided that a Judge who is a member of the Indian Civil Service or has held any other pensionable civil post under the Union or a State shall continue to subscribe to the provident fund to which he was subscribing before his appointment as a Judge:

Provided further that a Judge who was appointed before the commencement of this Act may continue to subscribe to the provident fund to which he was subscribing immediately before such commencement.

Section 20A. Deposit Linked Insurance Scheme

The Deposit Linked Insurance Scheme for the time being in force under the General Provident Fund (Central Services) Rules, 1960, shall apply to every Judge whether he subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in Section 20.



Section 21. Authority competent to grant pension

Save as may be otherwise expressly provided in the relevant rules relating to the grant of extraordinary pensions and gratuities, the authority competent to grant pension to a Judge under the provisions of this Act shall be the President.

Section 22. Traveling allowance to a Judge

A Judge shall receive such reasonable allowance to reimburse him for expenses incurred in traveling on duty within the territory of India and shall be afforded such reasonable facilities in connection with traveling as may, from time to time, be prescribed.

Section 23. Facilities for rent free houses and other conditions of service

(1) Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such rules as may, from time to time be made in this behalf.

¹(1A) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of ²["equivalent to an amount of thirty per cent of the salary plus thirty per cent of the dearness pay"].

(2) Every Judge and the members of his family shall be entitled to such facilities for medical treatment and for accommodation in hospitals as may, from time to time, be prescribed.

(3) The conditions of service of a Judge for which no express provision has been made in this Act shall be such as may be determined by rules made under this Act.

³(4) Sub-sections (1), (2) and (3) shall be deemed to have come into force on the 26th day of January, 1950 and sub-section (1-A) shall be deemed to have come into force on the 9th day of May, 1986 and any rule made under any of the said sub-sections may be made so as to be retrospective to any date not earlier than the commencement of the respective sub-section."]

1. Inserted vide The Supreme Court Judges (Conditions of Service) Amendment Act, 1993 (72 Of 1993), Dt. 26th December, 1993 Published in Received the assent of the President on December 26. 1993 and published in the Gazette of India. Extra Part II. Section 1, dated 27th December. 1993. pp. 1-2, SI. No. 123

2. Substituted for "ten thousand rupees" by Act No. 46 of 2005 w.e.f. 15-9-2005.

3. Substituted for " (4) This section shall be deemed to have come into force on the 26th day of January, 1950 and any rule made under this section may be made so as to be retrospective to any date not earlier than the commencement of this section. ", vide The Supreme Court Judges (Conditions of Service) Amendment Act, 1993 (72 Of 1993), Dt. 26th December, 1993 Published in Received the assent of the President on December 26. 1993 and published in the Gazette of India. Extra., Part II. Section 1, dated 27th December. 1993. pp. 1-2, SI No. 123

Section 23A. Conveyance facilities



Every Judge shall be entitled to a staff car and ¹[two hundred liters of fuel every month or the actual consumption of fuel]per month, whichever is less.

1. Substituted for "one hundred and fifty liters of petrol every month or the actual consumption of petrol ", vide The Supreme Court and High Court Judges (Conditions of Service) Amendment Act, 1996 (20 Of 1996), Dt. 31st July, 1996 Published in Received the assent of the President on July 31. 1996 and published in the Gazette of India, Extra., Part II, Section 1. dated 31st July, 1996, pp. 1-2, No. 47

Section 23B. Sumptuary allowance

The Chief Justice and each of the other Judges shall be entitled to a sumptuary allowance of ¹[ten thousand]rupees per month and ²[seven thousand five hundred] rupees]per month respectively.

1. Substituted for "four thousand" by Act No. 46 of 2005 w.e.f. 15-9-2005.

2. Substituted for "three thousand" by Act No. 46 of 2005 w.e.f. 15-9-2005.

Section 23C. Medical facilities for retired Judges

Every retired Judge shall, with effect from the date on which the Supreme Court Judges (Conditions of Service) Amendment Act, 1976 receives the assent of the President, be entitled, for himself and his family, to the same facilities as respects medical treatment and on the same conditions as a retired officer of the Central Civil Services, Class I and his family, are entitled under any rules and orders of the Central Government for the time being in force.



Section 23D. Exemption from liability to pay income-tax on certain perquisites received by a Judge

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 23 ¹[or the allowance paid to him under sub-section (1-A) of that section] ;

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

(c) the sumptuary allowance provided to a Judge under Section 23-B,

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).

1. Inserted vide The Supreme Court Judges (Conditions of Service) Amendment Act, 1993 (72 of 1993), Dt. 26th December, 1993 Published in Received the assent of the President on December 26. 1993 and published in the Gazette of India. Extra, Part II. Section 1, dated 27th December. 1993. pp. 1-2, SI. No. 123

Section 24. Power to make rules

(1) The Central Government may, by notification in the Official Gazette, make rules ¹to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) leave of absence of a Judge, including special disability leave;
- (b) pension payable to a Judge, including extraordinary pensions and gratuities;
- (c) Traveling allowances to a Judge;
- (d) use of official residence by a Judge;
- (e) facilities for medical treatment and other conditions of service of a Judge;
- (f) any other matter which has to be, or may be, prescribed.

²[(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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, 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 maybe; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. For Supreme Court Judges Rules 1959, see Gaz. of Ind" 1959, Pt. II, S. 3 (i) p. 1161. For Supreme Court Judges (Travelling Allowance) Rules, 1959 see Gas. Of land" 1959, Pt. II, S. 3 (i), p. 1054.

2. Substituted by the Supreme Court Judges (Conditions of Service) Amendment Act, 1976 (36 of 1976), S. 5 (w.r.e.f. 1-10-1974).

Section 25. Savings

Nothing contained in this Act shall have effect so as to give to a Judge who is serving as such at the commencement of this Act less favourable terms in respect of his privileges and allowances or his rights in respect of leave of absence (including leave allowances) or pension than those to which he would have been entitled, if this Act had not been passed.

Schedule

PENSIONS OF JUDGES

(See sections 13-and14)

PART 1



The Provisions of this Part apply to a Judge who is not a member of the Indian Civil Service or has not held any other pensionable civil post under the Union or a State and also apply to a person, who was in service as a Judge on the 20th May 1954 and to a Judge who, being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State, has elected to receive the pension payable under this Part.

2

Subject to the provisions of this Part, the pension payable to a Chief Justice to whom this Part applies ¹[***] shall be an amount equal to the sum of the following amounts, that is to say, -

(a) an amount equal to the pension which would have been payable to him in accordance with the scale and provisions in Part I of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, if his service as a Judge had been rendered as the Chief Justice of a High Court;

(b) an additional amount of Rs. ²[6030] per annum for each completed year of service as the Chief Justice of the Supreme Court until he has become entitled to a pension of Rs. ²[1,82,820] per annum, and thereafter an additional amount of Rs. ²[15,360] for each completed year of such service:

Provided that the aggregate amount of his pension shall in no case exceed Rs. ²[2,97,000] per annum.

3

The pension payable to any other Judge to whom this part applies and ¹[***] shall be an amount equal to the pension which would have been payable to him in accordance with the scale and provisions in Part I of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, if his service as a Judge had been rendered as the Chief Justice of a High Court.

Provided that the pension under this paragraph shall in no case exceed Rs. ²[2,70,000] per annum.

4

If a Judge of the Supreme Court who has served as an acting Chief Justice thereof is subsequently appointed Chief Justice, his service as acting Chief Justice shall, for the purposes of paragraph 2 of this Part, be treated as service as Chief Justice.

5

³[***]

PART 2

The provisions of this Part apply to a Judge who is a member of the Indian Civil Service and who has not elected to receive the pension payable under Part 1.

2

The pension payable to such a Judge shall be-



(a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service if he had not been appointed a Judge, his service as a Judge in India being treated as service therein, and

(b) an additional pension of Rs. ²[16,898] per annum for each completed year of service for pension in the Supreme Court:

Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. ²[2,97,000] per annum in the case of a Chief Justice and Rs. ²[2,70,000] per annum in the case of any other Judge.

PART 3

The provisions of this Part apply to a Judge who has held any pensionable civil post under the Union or a State (but is not a member of the Indian Civil Service) and who has not elected to receive the pension payable under Part 1.

2

The pension payable to such a Judge shall be-

(a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge in India being treated as service therein for the purpose of calculating that pension; and

(b) a special additional pension of Rs. ²[7800] per annum in respect of each completed year of service for pension as a Judge in India

"Provided that the pension under clause (a) and the additional pension under clause (b) together shall in no case exceed Rs. ²[2,97,000] per annum in the case of the Chief Justice and Rs. ²[2,70,000] per annum in the case of any other Judge."

1. The words "and who has completed not less than seven years of service for pension as a Judge in India" Omitted by Act No. 46 of 2005 w.e.f. 15-9-2005.

2. Subs. by Act No. 46 of 2005 w.e.f. 15-9-2005.

3. Paragraph 5 omitted by Act No. 46 of 2005 w.e.f. 15-9-2005.



