

Bill No. 144 of 2021

**THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND
CONDITIONS OF SERVICE) AMENDMENT BILL, 2021**

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BILL

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

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

CHAPTER I

PRELIMINARY

5 **1.** This Act may be called the High Court and Supreme Court Judges (Salaries and Short title.
Conditions of Service) Amendment Act, 2021.

CHAPTER II

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

28 of 1954. 10 **2.** In section 17B of the High Court Judges (Salaries and Conditions of Service) Amendment of
Act, 1954, the following *Explanation* shall be inserted, namely:— section 17B.

*"Explanation.—For the removal of doubts, it is hereby clarified that any
entitlement for additional quantum of pension or family pension shall be, and shall be
deemed always to have been, from the first day of the month in which the pensioner
or family pensioner completes the age specified in the first column of the scale."*

CHAPTER III

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

Amendment of
section 16B.

3. In section 16B of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, the following *Explanation* shall be inserted, namely:—

5 41 of 1958.

*"Explanation.—*For the removal of doubts, it is hereby clarified that any entitlement for additional quantum of pension or family pension shall be, and shall be deemed always to have been, from the first day of the month in which the pensioner or family pensioner completes the age specified in the first column of the scale."

STATEMENT OF OBJECTS AND REASONS

The High Court Judges (Salaries and Conditions of Service) Act, 1954 was enacted to regulate salaries and certain conditions of service of the Judges of High Courts. The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 was enacted to regulate salaries and certain conditions of service of the Judges of the Supreme Court.

2. *Vide* the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009, section 17B and section 16B were respectively inserted in the said Acts to provide that every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the scale specified therein. Accordingly, the additional quantum of pension to retired Judges of the High Court and Supreme Court is being sanctioned on completing the age of 80 years, 85 years, 90 years, 95 years and 100 years, as the case may be.

3. However, in a writ petition filed by a retired High Court Judge, Justice Virendra Dutt Gyani, the Hon'ble High Court of Gauhati *vide* its order dated 15th March, 2018 has held that benefit of additional quantum of pension as per section 17B of the aforesaid High Court Judges Act in the first slab would be available to a retired Judge from the first day of his 80th year.

4. Subsequently, the Hon'ble High Court of Madhya Pradesh also, *vide* its order dated 3rd December, 2020 passed in writ petitions filed by the Association of Retired Judges of Supreme Court and High Court of India, has directed respondent Union of India to construe the word "from" as it appears on the slab under section 16B of the 1958 Act and section 17B of the 1954 Act as the first day of entering the minimum age of the slab (i.e., 80,85,90,95 and 100 years) along with other consequential benefits to the petitioners.

5. The legislative intent behind insertion of section 17B and section 16B respectively in the aforesaid Acts was to provide benefit of additional quantum of pension to a retired Judge from the first day of the month in which he completes the age specified in the first column of the scale and not from the first day of his entering the age specified therein as so interpreted by the High Courts. Therefore, it is proposed to insert an *Explanation* in section 17B of the said High Court Judges Act and in section 16B of the said Supreme Court Judges Act to clarify the intention and to ensure that there is no scope for any other interpretation.

6. The Bill seeks to achieve the above objectives.

KIREN RIJJU.

NEW DELHI;

The 24th November, 2021.

LOK SABHA

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

(Shri Kiren Rijju, Minister of Law and Justice)