



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Regn. No. NE-313(MZ) 2006-2008

Rs. 2/- per issue

VOL - XXXVIII Aizawl, Friday 10.7.2009 Asadha 19, S.E. 1931, Issue No. 347

NOTIFICATION

No. H. 12017/55/07-LJD/98, the 2nd July, 2009. The following Act is hereby published for general information.

The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009 (Act No. 23 of 2009).

Zahmingthanga Ralte,
Deputy Secretary to the Govt. of Mizoram.

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND
CONDITIONS OF SERVICE, AMENDMENT ACT, 2009

AN

ACT

*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 Sixtieth Year of the Republic of India
as follows:-

CHAPTER I

PRELIMINARY

*Short title and
commencement*

1. (1) This Act may be called the High Court and Supreme Court Judges
(Salaries and Conditions of Service) Amendment Act, 2009.

(2) Sections 2,3, 4, 7, 8, 9, 10, and 13 shall be deemed to have come into
force on the 1st day of January, 2006 and the remaining provisions of this Act
shall be deemed to have come into force on the 1st day of September, 2008

CHAPTER II

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

*Amendment of
section 13A.*

2. In the High Court Judges (Salaries and Conditions of Service) Act, 1954
(hereinafter referred to as the High Court Judges Act), in section 13A,-

28 of 1954

(a) in sub-section (1), for the words “ thirty thousand per mensem”,
the words “ninety thousand rupees per mensem” shall be substituted;

(b) in sub-section (2), for the words “ twenty-six thousand rupees
per mensem”, the words “eighty thousand rupees per mensem” shall be substitute.

*Amendment of
section 17A.*

3. In section 17 A of the High Court Judges Act, in sub section, (1)

(a) the words “plus fifty per cent. of his dearness pay” shall be omitted;

(b) the words “plus thirty per cent. of his dearness pay subject to
a minimum of one thousand nine hundred and thirteen rupees per month”
shall be omitted.

*Insertion of new
section 17B.*

4. After section 17A of the High Court Judges Act, the following section
shall be inserted, namely:-

*Additional
quantum of
pension of
family pension.*

“17 B. Every retired Judge or after his death, the family, as the
case may be, shall be entitled to an additional quantum of family pension
in accordance with the following scale:-

Age of pensioner or Family Pensioner	Additional quantum of pension or family pension
From eighty years to less than eighty- five years	Twenty percent. of basic pension or family pension
From eighty-five years to less than ninety years	Thirty percent. of basic pension or family pension
From ninety years to less than ninety-five years	Forty percent. of basic pension or family pension
From ninety-five years to less than hundred years	Fifty percent. of basic pension or family pension
From hundred years or more	Hundred percent. of basic pension or family pension."

5. In section 22A of the High Court Judges Act, in sub-section (2), the words "plus thirty per cent. of the dearness pay" shall be omitted. *Amendment of section 22A.*

6. In the High Court Judges Act, for section 22C, the following section shall be substituted, namely:- *Amendment of section 22C.*

"22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of fifteen thousand rupees per month and twelve thousand rupees per month respectively." *Sumptuary allowance.*

7. In the First Schedule to the High Court Judges Act,- *Amendment of First Schedule.*

(a) in part I,-

(i) in paragraph 2,-

(A) in clause (a), for the letters and figures "Rs. 21,945", the letters and figures "Rs. 34,890" shall be substituted;

(B) in clause (b), for the letters and figures "16,725", the letters and figures "Rs. 34,350" shall be substituted;

(C) in the proviso, for the letters and figures "Rs 2,70,000" and Rs. 2,34,000", the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000" shall, respectively, be substituted;

(ii) in paragraph 8, for the letters and figures "Rs. 2,70,000", the letters and figures "Rs.5,40,000" shall be substituted;

(iii) in paragraph 9, for the letters and figures "Rs. 76,785", the letters and figures "Rs 1,57,670" shall be substituted;

(b) in part II,-

(i) in the proviso to paragraph 2, for the letters and figures "Rs 2,70,000" and "Rs,2,34,000", the letters and figures "Rs 5,40,000" and "Rs. 4,80,000" shall, respectively, be substituted;

(ii) in paragraph 3, for the figures "16,898", "20,280", "23,649", "27,033", "30,420" and "33,799", the figures "34,696", "41,642", "48,559", "55,508", "62,462" and "69,402" shall, respectively, be substituted;

(c) in part III, in paragraph 2,-

(A) in clause (b), for the letters and figures :Rs. 7,800", the letters and figures "Rs.16,020" shall be substituted;

(B) in the proviso, for th letters and figures "Rs. 2,70,000" and "Rs. 2,34,000" the letters and figures "Rs.5,40,000" and "Rs.4,80,000" shall, respectively, be substituted.

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

Amendment of section 12A.

8. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), in section 12A,-

41 of 1958

(a) in sub-section (1), for the words "thirty three thousand rupees per mensem, the words "on lakh rupees per mensem" shall be substituted;

(b) in sub-section (2), for the words "thirty thousand rupees per mensem", the words "ninety thousand rupees per mensem" shall be substituted.

Amendment of section 16A.

9. In section 16A of the Supreme Court Judges Act, in sub-section (1),-

(i) in clause (a), the words "plus fifty per cent. of his dearness pay" and "plus thirty per cent. of his dearness pay" shall be omitted;

(ii) in clause (b), the words "plus thirty per cent of his dearness pay" shall be omitted.

Insertion of new section 16B.

10. After section 16A of the Supreme Court Judges Act, the following section shall be inserted, namely :-

Additional quantum of pension or family pension

"16B. 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 following scale:-

Age of Pensioner or family Pensioner	Additional quantum of pension or family pension.
From eighty years to less than eighty-five years	Twenty percent. of basic pension or family pension
From eighty-five years to less than ninety years	Thirty per cent. of basic pension or family pension
From ninety years to less than ninety-five years	Forty per cent. of basic pension or family pension
From ninety-five years to less than hundred years	Fifty per cent. of basic pension or family pension
From hundred years or more	Hundred percent. of basic pension or family pension."

Amendment of section 23.

11. In section 23 of the Supreme Court Judges Act, in sub-section (1A), the words "plus thirty percent. of the dearness pay" shall be omitted.

Amendment of section 23B.

12. In section 23B of the Supreme Court Judges Act, for the words "ten thousand" and "seven thousand five hundred", the words "twenty thousand" and "fifteen thousand" shall, respectively, be substituted.

Amendment of Schedule.

13. In the Schedule to the Supreme Court Judges Act,-

(a) in Part I,-

(i) in paragraph 2,-

(A) in clause (b), for the letters and figures "Rs. 6,030", "Rs. 1,82,820" and "Rs. 15,360", the letters and figures "Rs 12,180", "Rs. 3,69,300" and "Rs. 31,030" shall, respectively, be substituted;

(B) in the proviso, for the letters and figures Rs.2,97,000", the letters and figures Rs.6,00,000" shall be substituted;

(ii) in the proviso to paragraph 3, for the letters and figures "Rs.2,70,000", the letters and figures "Rs. 5,40,000" shall be substituted;

(b) in Part II, in Paragraph 2, in clause (b), for the letters and figures "Rs. 16,898", the letters and figures "Rs. 33,795" shall be substituted;

(c) in Part III, in paragraph 2,-

(A) in clause (b), for the letters and figures “Rs. 7,800”, the letters and figures “Rs. 16,020” shall be substituted;

(B) in the proviso, for the letters and figures “Rs. 2,97,000” and “Rs. 2,70,000”, the letters figures “Rs. 6,00,000” and “Rs. 5,40,000” shall, respectively, be substituted.

CHAPTER IV TRANSITIONAL PROVISION

14. The difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges Act or a Judge of the Supreme Court or his family, as the case may be, under the Supreme Court Judges Act as amended by this Act and the salary, pension or family pension payable to such Judge or his family, as the case may be, but for this Act shall be paid in two installments, the first instalment of forty percent. to be paid during the current financial year 2008-09 and the remaining sixty percent. to be paid in the financial year 2009-10.

Arrears.

Ord. 1 of 2009. 15. (1) The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, 2009 is hereby repealed.

Repeal and saving.

28 of 1954.
41 of 1958. (2) Notwithstanding such repeal, anything done or any action taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as amended by the said Ordinance shall be deemed to have done or taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as amended by this Act.