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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

.....

New Delhi, the 16th November, 2017

RESOLUTION

No. 19018/1/2017-Jus. Pursuant to a direction of the Supreme Court of India vide its judgement delivered on 24.8.1993 in Review Petition No. 249 of 1992 in W.P. No. 1022 of 1989, First National Judicial Pay Commission (FNJPC) under the chairmanship of Justice K Jagannatha Shetty, former Judge of the Supreme Court of India was constituted on 21.03.1996 to examine the present structure of emoluments and conditions of service of judicial officers in the States and UTs. The Commission submitted its report on 11.11.1999.

2. Subsequently, consequent upon implementation of 6th CPC, All India Judges Association filed an I.A. (No. 244 of 2009) in the aforesaid writ petition in the Supreme Court praying for revision of salaries, allowances of judicial officers of subordinate judiciary throughout the country based on the Shetty Commission Report. Supreme Court appointed Justice E. Padmanabhan, a retired High Court Judge as one member Committee to make suitable recommendations having regard to the recommendations already made by the Justice Shetty Commission in respect of the pay scales and allowances and other perquisites of the Judicial Officers. The Committee submitted its report in July, 2009 which was implemented by the Union Government in respect of judicial officers in the UTs.

3. Now, vide its order dated 9th May, 2017 in Writ Petition No.643/2015 filed by All India Judges Association vs. Union of India & others, Supreme Court of India has directed to appoint a Judicial Pay Commission to review the pay scales, emoluments and service conditions of the Judicial Officers of Subordinate Judiciary in India.

4. In pursuance of the above direction of Supreme Court of India, it has been decided to appoint a fresh National Judicial Pay Commission, to be known as Second National Judicial Pay Commission, comprising the following:-

- (i) Chairman - Mr. Justice (Retd.) P. Venkatarama Reddi, former Judge of Supreme Court of India.
- (ii) Member - Mr. Justice (Retd.) R. Basant, former Judge of Kerala High Court and Senior Advocate of Supreme Court of India.

(iii) Member-Secretary - (to be chosen by the Commission, preferably a Judicial Officer either in service or retired. In case the Commission decides to choose a serving Judicial Officer of any State, the concerned High Court and the State will make available the services of such an officer and treat such officer to be on deputation to the Commission.)

5. Services of one of its Additional Solicitors General will be made available to assist the Commission by Department of Legal Affairs, Ministry of Law & Justice in pursuance to the direction of Supreme Court of India.

6. The Commission will indicate to the Ministry of Law & Justice (Department of Justice) as to its requirements of infrastructural support, including the personnel, if any, necessary for the purpose of carrying on the task.

7. The Terms of Reference of the Commission will be as follows:-

- a. To evolve the principles which should govern the structure of pay and other emoluments of Judicial Officers belonging to the subordinate Judiciary all over the country.
- b. To examine the present structure of emoluments and conditions of service of Judicial Officers in the states and UT's taking into account the total packet of benefits available to them and make suitable recommendations including post retirement benefits such as pension etc. having regard among other relevant factors, to the existing relativities in the pay structure between the officers belonging to sub-ordinate judicial services vis-à-vis other civil servant and mechanism for redressal of grievances in this regard.
- c. To examine the work methods and work environment as also the variety of allowance and benefits in kind that are available to Judicial Officers in addition to pay and to suggest rationalisation and simplification thereof with a view to promoting efficiency in Judicial Administration, optimizing the size of judiciary etc. and to remove anomalies created in implementation of earlier recommendations.
- d. To consider and recommend such interim relief as it considers just and proper to all categories of Judicial Officers of all the States/Union Territories. The interim relief, if recommended, shall have to be fully adjusted against and included in the package which may become admissible to the Judicial Officers on the final recommendations of the Commission.
- e. To recommend the mechanism for setting up of a permanent mechanism to review the pay and service conditions of members of sub-ordinate judiciary periodically by an independent commission exclusively constituted for the purpose and the composition of such commission should reflect adequate representation on behalf of the judiciary.

8. The Commission will devise its own procedures and formulate modalities necessary for accomplishing the task. It may appoint such advisers, institutional consultants and experts as it may consider necessary for any particular purpose. It may call for such information and take such evidence as it may consider necessary. All State Governments, UT Administrations and the Ministries/Departments of the Central Government will furnish such information, documents and other assistance as required by the Commission.

9. The Commission will make its recommendations to the State Governments and submit a copy of the same to the Supreme Court of India and Ministry of Law & Justice preferably within a period of 18 months. It may consider, if necessary, sending reports on any of the matters as and when the recommendations are finalized. The Commission shall be at liberty to approach Apex Court to seek any further clarification or direction.

Ordered that the Resolution be published in the Gazette of India,

Ordered also that a copy of the Resolution be communicated to the Ministries/Depts. of the Govt. of India/State Govts./UT Administrations and all other concerned.

(DR. ALOK SRIVASTAVA)
SECRETARY TO THE GOVT. OF INDIA