

**ACT AND RULES GOVERNING  
THE SERVICE CONDITIONS  
OF  
SUPREME COURT JUDGES  
(As on 5<sup>th</sup> April, 2016)**

**MINISTRY OF LAW AND JUSTICE  
(DEPARTMENT OF JUSTICE)**

THE SUPREME COURT JUDGES

(SALARIES AND CONDITIONS OF SERVICE)

ACT, 1958.

{Act 41 of 1958 }

LIST OF AMENDING ACTS

1. The Supreme Court Judges (Conditions of Service) Amendment Act, 1971 ( 77 of 1971).
2. The Supreme Court Judges (Conditions of Service) Amendment Act, 1976 ( 36 of 1976).
3. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1980 ( 57 of 1980).
4. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1985 ( 36 of 1985).
5. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1986 ( 38 of 1986).
6. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1988 ( 20 of 1988).
7. High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1989 ( 32 of 1989).
8. Supreme Court Judges (Conditions of Service) Amendment Act, 1991 (211 of 1991).
9. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1994 (2 of 1994 ).
10. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1996 ( 18 of 1996 ).
11. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1998 ( 18 of 1998 ).
12. The High Court and Supreme Court Judges (Conditions of Service) Amendment Act, 1999 ( 7 of 1999 ).
13. Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2003(8 of 2003.
14. The High Court and Supreme Court Judges (Salaries and Conditions of Service)Amendment Act, 2005 (46 of 2005)
15. The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009 (23 of 2009)
16. The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2016 (13 of 2016)

LIST OF ABBREVIATIONS USED

1. **Ins.** ..... for inserted
2. **s.** ..... for section
3. **Subs.** ..... for substituted
4. **Omit.** ..... for omitted
5. **w.e.f.** ..... for with effect  
from

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

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THE SCHEDULE

<sup>1</sup>THE SUPREME COURT JUDGES

(SALARIES AND CONDITIONS OF SERVICE)

ACT 1958

( 41 of 1958 )

( 17th October, 1958 )

An Act to regulate salaries and certain conditions of service of the Judges of the Supreme Court.

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

CHAPTER I

PRELIMINARY

1. This Act may be called the Supreme Court Judges Short  
<sup>1</sup>(Salaries and Conditions of Service) Act, 1958. title
2. In this Act, unless the context otherwise Defin  
requires.-- ition
- (a) `Acting Chief Justice' means a Judge appointed under  
Article 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 a Judge or  
in the performance of such other functions  
as he may, at the request of the President  
of India, undertakes to discharge;
- (ii) Vacations;
- (c) `Chief Justice' means the Chief Justice of India,  
but does not include any 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  
<sup>2</sup>"in the Supreme 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;

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1. Subs. by Act 18 of 1998 w.e.f. 1.1.1996

2. Subs. by Act 13 of 2016 w.e.f 5.4.2016

(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 Article 127 of the Constitution, if he is subsequently appointed as a Judge;

<sup>1</sup>(iii) the amount, actually taken, of each period of leave on full allowances at a rate equal to the monthly rate of the salary;

(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.

CHAPTER II  
L E A V E

Kinds of Leave admissible to a Judge 3.(1) Subject to the provisions of this Act, leave granted to a Judge may be at his option either:

(a) Leave on full allowances<sup>1</sup> (including commuted leave on half allowances converted 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.

<sup>5</sup>(3) For the purpose of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed."

Leave account showing the amount of leave due to him in terms of leave on half allowances. 4.(1) A leave account shall be kept for each Judge showing 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<sup>2</sup>

(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 with 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

<sup>3</sup>(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. <sup>4</sup>(.....)

1. Subs. by Act 77 of 1971,

3. Subs. by Act 32 of 1989

w.e.f. 1.11.1986.

2. Omit. by Act 77 of 1971

w.e.f. 1.5.1958 s.3

4. dele. by Act 7 of 1998

w.e.f. 1.1.1996.

5. Ins. by Act 13 of 2016 w.e.f 5.4.2016

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

(2) This section shall be deemed to have come into force on the 1<sup>st</sup> day of May, 1958

Leave <sup>1</sup>4(A) A Judge shall be entitled in his entire service including encash- the period of service rendered in a pensionable post under the ment. Union or State or on re-employment, if any, to claim the cash equivalent of leave salary on his retirement<sup>5</sup> (in respect of the period of leave at his credit, calculated on full allowances basis) to the extent of the maximum period prescribed for encashment of such leave under the All India Service (Leave) Rules, 1955.

Agree- 5(1) The aggregate amount of leave which may be granted to a gate Judge during the whole period of his service as such shall not amount exceed in terms of leave on half allowances three years of <sup>2</sup>(including the period credited to his leave account under leave sub-section (2) (a) (iii) of section 4 as leave earned by him as a which Judge of a High Court) together with the aggregate of the periods, may be if any, credited to his leave account under sub-section 2(a) (ii) granted. 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, <sup>3</sup>{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}

<sup>3</sup>(3) Subject to the provisions of sub-section (2) of section 5-A 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.

Commu- <sup>4</sup>5(A) (1) Notwithstanding anything contained in sub-section (2) of tation section 5, a Judge may be permitted to commute leave on half of allowances into leave on full allowances on medical certificate leave upto a maximum of three months during the whole period of his on half service as a Judge.

allow- 5(A) (2) In computing the maximum period of leave on full ances into allowances which may be granted at one time to a Judge under sub- leave section (3) of section 5, the amount of commuted leave permitted on full to him under this section shall not be taken into account. allow- ances.

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1. Ins. by Act 7 of 1999 w.e.f. 1.1.1996

2. Ins. by Act 77 of 1971 w.e.f. 17.10.1958 s.4(a)

3. Subs. by Act 77 of 1971 w.e.f. 17.10.1958

4. Ins. by Act 77 of 1971 s.5

5. Subs. by Act 13 of 2016 w.e.f 5.4.2016

Grant of leave not due 6. 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.

Special disability leave 7. Special disability leave may be granted to a Judge under such circumstances, on such allowances and for such periods as may be prescribed.

Extraordinary leave 8. Extraordinary leave may be granted 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 allowance shall be payable in respect of such leave.

Leave Allowances. 9 <sup>4</sup>" The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (1) of section 3."

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1.Subs. by Act 32 of 1989 w.e.f.1.4.1986 s.6

2.Subs. by Act 57 of 1980 w.e.f. 10.12.1990 s.9

3.Subs. by Act 77 of 1971 w.e.f. 1.5.1958.

4.Subs. by Act 13 Of 2016 w.e.f. 5.4.2016



Combining 10. A Judge may be permitted to combine vacation on full leave salary with leave if --

with vacation (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 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.

Consequences of overstaying leave 11(1) If a Judge overstays his 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:

tions. 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.

Authority 12. The authority competent to grant or refuse leave to a competent 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.

### CHAPTER - III SALARIES AND PENSIONS

Salaries 12A(1) There shall be paid to the Chief Justice of India by way of salary, one lakh rupees per mensem.

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

Pension 13. 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) (omitted)<sup>3</sup>

(b) he has attained the age of sixty-five years; or

(c) his retirement is medically certified to be necessitated by ill health.

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1.Subs. by Act 18 of 1998 w.e.f. 1.1.1996

2.Ins. by Act 18 of 1998 w.e.f. 1.1.1996

3.Omitted by Act 46 of 2005 w.e.f 1.4.2004

<sup>4</sup>Explanation.-- In this section, 'Judge' means a Judge who has not held any other pensionable 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 having held any other pensionable post under the Union or State, who has elected to receive the pension payable under Part I of the Schedule.

<sup>3</sup>"13A Subject to the provision of this Act, a period of ten years shall be added to the service of a Judge for the purpose of his pension, who qualified for appointment as such judge under sub-clause (b) of clause (3) of article 124 of the Constitution."

Special Provisions for pension in respect of Judges Who are members of service

<sup>5</sup>14. Every Judge--

"(1) Every Judge who has held any other pensionable 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-III of the Schedule, and the pension payable to him shall be calculated accordingly.";

<sup>1</sup>(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 <sup>6</sup> () 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 favourable in his case.

Power of President 15. The President may, for special reasons direct that any period not exceeding three months shall be added to the service to add to for pension of a Judge, and any such period so added shall count the service 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.

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

1. Ins. by Act 36 of 1974 . 2. Subs. by Act 57 of 1980. w.e.f. 1.10.1974.

3. Ins. by Act 46 of 2005 w.e.f. 1.4.2004

4. Subs. by Act 13 of 2016

5. Subs. by Act 13 of 2016

6. omit. by Act 13 of 2016 w.e.f 5.4.2016

Family pension and gratuities. <sup>1</sup>16A<sup>2</sup>(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, family pension calculated at the rate of <sup>3</sup>(fifty)percent of his salary <sup>7</sup> 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 upto the date on which the Judge would have attained the age of sixty-five years, had he survived, whichever is earlier, and thereafter at the rate of <sup>3</sup>(thirty percent of his salary)<sup>7</sup>; and  
(b) dies after retirement on attaining the age of sixty-five years, (family pension shall be <sup>3</sup>(thirty) percent of his salary)<sup>7</sup>, and shall be payable to the person or persons entitled thereto.

<sup>5</sup>(c) dies after retirement after seeking premature retirement and before attaining the age of sixty-five years, family pension shall be calculated at the rate specified in clause (a) and shall be payable to the person or persons entitled thereto.

<sup>3</sup>(Provided that in no case the amount of family pension calculated under this sub-section shall exceed pension payable to the Judge under this Act)

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 first 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<sup>8</sup> ()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.

<sup>6</sup>16A(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 the pension for the purpose) shall apply to or in relation to the grant of D.C.R.G. benefit to or in relation to a Judge, who being in service on or after the I<sup>st</sup> day of October, 1974, retires, or dies in circumstances to which section 16 does not apply subject to the modifications :

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- 1. Inst. by Act 39 of 1976 w.e.f. 1.10.1974
  - 2. Subs. by Act 38 of 1986 w.e.f. 1.11.1986
  - 3. Subs. by Act 7 of 1999 w.e.f. 1.1.1996
  - 4. Ins. by Act 32 of 1989 w.e.f. 1.11.1986 s.7
  - 5. Ins. by Act 32 of 1989 w.e.f. 1.11.1986 s.7
  - 6. Ins. by Act 39 of 1976 w.e.f. 1.10.1974
  - 7. Ins. by Act 46 of 2005 w.e.f. 1.4.2004
  - 8. omit. by Act 13 of 2016 w.e.f. 5.4.2016

- (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 <sup>1</sup>(ten) days salary for <sup>1</sup>(each completed six months period) of service as a Judge; <sup>2</sup> ( )
- <sup>2</sup>(iii) (.....)

Additional Quantum of Family pension 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 per cent. 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 and 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 per cent. of basic pension or family pension

Explanation--<sup>3</sup>{ In sub-section (2) the expression `Judge' has the same meaning as in section 13 }.

17. 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 post under the Union or a State (Pensionable) 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.

18. Omitted<sup>6</sup>  
of sterling pension into Rupees.

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

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

Provided that a Judge who<sup>7</sup> ( ) 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.

Deposit <sup>5</sup>20A. The Deposit Linked Insurance Scheme for the time Linked being in force under the General Provident Fund (Central Insurance Services) Rules, 1960, shall apply to every Judge, whether he Scheme. subscribes to the General Provident Fund (Central Services) or any other Provident Fund referred to in section 20.

Authority 21. Save as may be otherwise expressly provided in the competent relevant rules relating to the grant of extraordinary pensions to grant and gratuities, the authority competent to grant pension to a pension. Judge under the provisions of the Act shall be the President.

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- 1.Subs. by Act 7 of 1999 w.e.f. 1.1.1996
  - 2.Omit. by Act 20 of 1988 w.e.f. 1.1.1986
  - 3.Subs. by Act 36 of 1986 w.e.f. 1.11.1986
  - 4.Subs. by Act 57 of 1980 w.e.f. 10.12.1950.
  - 5.Ins. by Act 38 of 1986 w.e.f. 5.9.1977
  6. Omitted by Act 13 of 2016 w.e.f. 5.4.2016
  7. omit. by Act 13 of 2016 w.e.f. 5.4.2016

CHAPTER IV  
MISCELLANEOUS

Travelling Allowance 22. A Judge shall receive such reasonable allowance to reimburse him for expenses incurred in travelling on duty to a Judge. within the territory of India and shall be afforded such reasonable facilities in connection with travelling as may, from time to time, be prescribed.

Facilities for rent to a Judge. 23(1) Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such free rules as may, from time to time, be made in this behalf.

houses and other conditions of 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 7"equivalent to an amount of thirty percent of the salary.

(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 (1A) 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.

Convey- 423A 5Every Judge shall be entitled to a staff car and  
ance 6(two) hundred litres 6(fuel) per month or the actual  
facilities consumption of fuel whichever is less.

Sumptuary Allowance 23B. The Chief Justice and each of the other Judge shall be entitled to a sumptuary allowance of 7(twenty thousand rupees per month and 7(fifteen thousand) rupees per month, respectively.

Medical facilities for retired Judges. 23C. 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.

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1. Ins. by Act 211 of 1991 s.2 w.e.f. 9.5.1986.
  2. Subs. by Act 7 of 1999 w.e.f. 1.1.1996
  3. Subs. by Act 211 of 1991 s.2(b)
  4. ns. by Act 36 of 1976 w.e.f. 1.10.1974
  5. Subs. by Act 38 of 1986 w.e.f. 1.11.1986
  6. Subs. by Act of 1997 w.e.f. 11.1.1996
  7. Subs. by Act 46 of 2005 w.e.f. 1.4.2004

Exemption <sup>1</sup>23D. Notwithstanding anything contained in Income-tax Act, 1961,--

- bility to pay income tax on certain perquisites or allowances.
- (a) the value of rent free official residence provided to a Judge under sub-section (1) of section 23;
  - (b) the value of conveyance facilities provided to a Judge under section 23-A;
  - (c) the sumptuary allowance provided to a Judge under section 23-B;
  - <sup>2</sup>(d) the value of Leave Travel Concession provided to a Judge and Members of his family.

shall not be included in the computation of his income chargeable under the head 'Salaries' under section 15 of the Income-tax Act, 1961.

Power to make rules. 24(1) The Central Government may, by notification in the Official Gazette make rules to 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 Judge, including special disability leave;

<sup>3</sup>(aa) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (3) of section 3."

(b) pension payable to a Judge, including extraordinary pensions and gratuities;

(c) travelling allowance 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.

(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 may be so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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1.Subs. by Act 20 of 1988 w.e.f. 1.11.1986 s.6

2.Ins. by Act 2 of 1994 w.e.f. 1.11.1986

3. Ins. by Act 13 of 2016 w.e.f. 5.4.2016

Saving

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 right 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.



THE SCHEDULE

( SEE SECTION 13 AND 14 )  
PENSIONS OF JUDGES

PART - I

1. <sup>6</sup>The provisions of this part apply to a Judge who has not held any other pensionable post under the Union or State and also apply to a person who was in service as a Judge on the 20<sup>th</sup> May, 1954, and to a Judge who, having held any other pensionable posts under the Union or State, has elected to receive the pension under this Part";

2. Subject to the provisions of this part, the pension payable to a Chief Justice to whom this part applies <sup>5</sup>(...omitted..) 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 (<sup>2</sup>Salaries and Conditions of Service) Act, 1954, if his service as a Judge had been rendered as the Chief Justice of a High Court;

(b) additional amount of <sup>3</sup>(Rs.12,180/-) 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 <sup>3</sup>(Rs.3,69,300/-) per annum and thereafter an additional amount of <sup>3</sup>(Rs.31,030/-) for each completed year of such service.

Provided that the aggregate amount of his pension shall in no case exceed <sup>3</sup>(Rs.6,00,000/-) per annum.

3. The pension payable to any other Judge to whom this part applies <sup>5</sup>(..... . . .Omitted..... .) 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 (<sup>2</sup>Salaries and Conditions of Service) Act, 1954, if his service as a Judge had been rendered as the Chief Justice of a High Court.

<sup>4</sup>Provided that the pension under this paragraph shall in no case exceed <sup>3</sup>(Rs.5,40,000/-) per annum.

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- 1.Subs. by Act 57 of 1980 w.e.f. 10.12.1950
  - 2.Ins. by Act 18 of 1998 w.e.f. 1.1.1996
  - 3.Subs. by Act 46 of 2005 w.e.f. 1.4.2004
  - 4.Ins. by Act 20 of 1988 w.e.f. 1.11.1986 s.7(a)
  5. Omitted by Act 46 of 2005 w.e.f. 1.4.2004
  6. Subs. by Act 13 of 2016 w.e.f. 5.4.2016

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. <sup>4</sup>(. . . . . Omitted ... . . . .)

<sup>26</sup>. ( )

<sup>27</sup>. ( )

PART - II

1. <sup>5</sup> ( )

2. <sup>5</sup> ( )

<sup>23</sup>. ( )

<sup>24</sup>. ( )

PART - III

1. The provisions of this part apply to a Judge who has held any (pensionable 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-I.

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

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1.Subs. by Act 46 of 2005 w.e.f. 1.4.2004.  
 2.Omitted by Act 20 of 1989 w.e.f. 1.11.1986 s.7(a)  
 3.Ins. by Act 20 of 1989 w.e.f. 1.11.1986  
 4. Omitted by Act 46 of 2005 w.e.f. 1.4.2004  
 5. Omitted by Act 13 of 2016 w.e.f. 5.4.2016

(b) a special additional pension of Rs.<sup>1</sup>(16,020) per annum in respect of each completed year of service for pension as a Judge in India;

<sup>2</sup>Provided that the pension under clause (a) and additional pension under clause (b) together with shall in no case exceed Rs.<sup>1</sup>(6,00,000) per annum in the case of a Chief Justice and Rs.<sup>1</sup>(5,40,000) per annum in the case of any other Judge.

<sup>3</sup>3. ( )

<sup>3</sup>4. ( )

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1.Subs. by Act 46 of 2005 w.e.f. 1.4.2004.

2.Ins. by Act 20 of 1989 w.e.f.1.11.1986..

3.Omitted by Act 20 of 1989 w.e.f.1.11.1986 s.7(a)

THE SUPREME COURT JUDGES (TRAVELLING ALLOWANCE) RULES 1959

(As on 01.01.2015)

<sup>1</sup>GSR 844 dated the 14th July, 1959 -- In exercise of the powers conferred by sub-section (1) and clauses (c) and (f) of sub-section (2) of section 24 of the <sup>2</sup>Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, ( 41 of 1958 ) the Central Government hereby makes the following Rules, namely :-

1. (1) Short title and commencement--These rules may be called the Supreme Court Judges (Travelling Allowance) Rules, 1959.

(2) They shall come into force at once.

<sup>3</sup>1A. Definition--In these rules, "full wagon" means--

(1) Between places connected by rail :

(a) By goods train--any quantity upto the maximum carrying capacity of a wagon and "wagon" means a four wheeler wagon only;

(b) By passenger train or by road--the mileage allowance will be limited to the amount chargeable for 6,000 kilograms by goods train;

(2) Between places not connected by rail:

6,000 kilograms

<sup>4</sup>(3) Mileage allowance means the road mileage allowance at the rates notified by the concerned Directorate of Transport for Taxi.

2. Travelling allowance to a Judge of High Court on his appointment as Judge of Supreme Court--When a Judge of a High Court is appointed to be a Judge of the Supreme Court, he is entitled in respect of his journey to join his new post to draw travelling allowance at the rates and to enjoy travelling facilities specified in rule 6 of the High Court Judges Travelling Allowance Rules, 1956, <sup>5</sup>[ He shall also be entitled to a lump sum transfer grant and packing allowance at the rates as are admissible to a member of the Indian Administrative Service holding the rank of Secretary to the Government of India when transferred or deputed from the State Government to the Central Government.]

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1. Published in the Gazette of India, 1959, Pt. II Sec. 3(1) p. 1054

2 Subs. by Act 18 of 1998

3. Subs. by GSR 343(E) dated 12.5.1976.

4. Ins. by GSR 1187(E) dated 6.11.1986.

5. Ins. by GSR 378 (E) dated 16.4.1993.

3. (1) Provisions applicable to Government Servant appointed as Judge of Supreme Court--When a Government servant, appointed to be a Judge, travels by rail to join his post, he may, at his option and in lieu of drawing travelling allowance under the rule governing a journey on transfer applicable to him, travel in a reserved compartment of the highest class, excluding the air-conditioned class.

(2) A Government servant who avails himself of this concession must pay to Government the fare which he would have paid if no accommodation had been reserved, and must, in addition, pay in cash to the station master of the station from which the journey commences, the fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares shall be credited to Government.

4. Provisions relating to non-Government servant appointed as Judge of Supreme Court--When a person not already in Government service is appointed to be a Judge, he may, when travelling by railway to join his post, travel in a reserved compartment of the highest class, excluding the air-conditioned class and subject to the conditions prescribed in sub-rule (2) of rule 3.

Provided that, if any such person is appointed to be the Chief Justice, he may travel in an inspection carriage or in an air-conditioned coupe of two berths.

Explanation-- For purposes of rules 3, 4 and 7 a reserved compartment means a two berth compartment or four-berth compartment if a two-berth compartment is not available in the train by which a Judge travels.

5. Travelling facilities to a Judge travelling on duty--

(1) When a Judge travels on duty, he is entitled--

<sup>1</sup>[ (a) When travelling by railway--

(i) to a reserved two-berth compartment of the highest class including the air-conditioned class, and if one such compartment is not available, then, to a reserved four-berth compartment of the highest class (but excluding the air-conditioned class);

(ii) if such a compartment is provided to take his wife along with him without payment of fare; and

(iii) the fares at the lowest class rates actually paid for servants not exceeding two in number.]

<sup>2</sup>[Provided that the Chief Justice or an acting Chief Justice will, if he so chooses, be provided with a standard gauge saloon and if, for any reason a standard gauge saloon is not available for his use, he will be provided with an inspection carriage and the Chief Justice or an acting Chief Justice, while travelling by a standard gauge saloon or an inspection carriage shall be entitled to take with him in the

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1.Subs.by GSR 343(E) dated 12.5.1976.

2.Subs. by GSR 1881 dated 3.10.1968.

standard gauge saloon or the inspection carriage, without payment one relative.

Provided further that where the Chief Justice or an acting Chief Justice travels by a standard gauge saloon or an inspection carriage, he shall not be entitled to any fares for the servants]

(b) when travelling by a Steamer service, to one reserved first-class cabin if available, or to the fare actually paid for himself and the fares at lowest class rates actually paid to the steamer service for servants not exceeding two in number subject to usual deductions on account of messing charges;

(c) when travelling by a public air transport service, to the fare paid for himself and if actually paid, the cost of transporting upto <sup>1</sup>(80 kilograms) of luggage by rail at passenger rates, or steamer and the railway or steamer fares of the lowest class for servants not exceeding two in number, and the expenditure actually incurred on the transport by road of servants or luggage upto a maximum of <sup>1</sup>(one-half of rate per kilometer notified by the concerned Directorate of Transport for Auto-rickshaw) of that part of the journey by road for which no allowance is claimed under clause (d) of this sub-rule;

<sup>2</sup>Provided that the Chief Justice shall be entitled to take his wife with him when travelling by a public air transport services, within the country.

(d) when travelling by road, to <sup>3</sup>(the Mileage Allowance)

Provided that--

(i) no such allowance shall be payable in respect of that portion of Journey by road for which a public air transport service provides its own transport and the fare for which journey is included in the air fare paid under clause (c) for the air journey.

(ii) no such allowance shall be payable in cases where the Judge uses transport provided at Government expenses;

<sup>4</sup>(e) [ ... .. ]

(f) to a daily allowance up-to Rs.5000/- per day for hotel or guest house accommodation, transport charges (AC taxi) of up-to 50 kms. for travel within the city and food bills not exceeding Rs.500/- per day for the entire period of absence from headquarters, the absence being reckoned from the time of departure from headquarters to the time of return to headquarters;

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1. Subs. by GSR 1187 (E) dated 6.11.1996.
  2. Ins. by GSR 175 dated 8.3.1986.
  3. Subs. by GSR 175 dt. 8.3.1986
  4. Omitted by GSR 343 (E) dated 12.5.1976.
  5. Subs. by GSR 343 (E) dated 12.5.1976.
  6. Subs. by GSR 149(E) dated 24.2.1999.

Provided that daily allowance so admissible shall be regulated as follows :-

- (i) full daily allowance for each completed day, that is, reckoned from mid-night to mid-night.
- (ii) for absence from headquarters for less than twenty-four hours the daily allowance shall be at the following rates, namely:-
  - (1) if the absence from headquarters does not exceed six hours 30 per cent of the full daily allowance;
  - (2) if the absence from headquarters exceeds six hours, but does not exceed twelve hours, 50 per cent of the full daily allowance;
  - (3) if the absence from headquarters exceeds twelve hours full daily allowance.
- (iii) if the dates of departure from and return to headquarters fall on different dates, the period of absence from headquarters shall be reckoned as two days and daily allowance shall be calculated for each day as in clause (ii):

Provided further that in case the Chief Justice or the acting Chief Justice stays in a saloon or an inspection carriage, the daily allowance admissible shall be <sup>1</sup>(Rs.1150/-) and if he stays in any hotel or other place, the daily allowance shall be <sup>1</sup>(Rs.5000/-).

Provided also that--

(i) when a Judge is required to perform functions outside his normal duties away from his headquarters, he may, subject to such conditions as the President may in each case determine, be granted daily allowance up-to Rs.5000/- per day for hotel or guest house accommodation, transport charges (AC taxi) of up-to 50 kms. for travel within the city and food bills not exceeding Rs.500/- per day and shall also be entitled to Government accommodation at the same rates as for Government servants of equivalent pay;

(ii) when a Judge is required to perform similar functions, whether part-time or whole-time in his own headquarters, he shall not be paid any allowance or charges unless the special work involves extra expenses in which case he may be granted such allowance not exceeding <sup>1</sup>(Rs.5000/-) per day as the President in each case determine.

(iii) when a Judge is a State Guest or is allowed to avail free board and lodging at the

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1.Subs. by GSR 149(E) dated 24.2.1999.

- expenses of the Central or State Government or any autonomous industrial or commercial undertaking or corporation or a statutory body or a local authority in which Government funds have been invested or in which Government have any other interest, the daily allowance shall be restricted to 25 per cent of the amount admissible or sanctioned; and if only board or lodging is allowed free, the Judge may draw daily allowance at one-half of the admissible rate;]

(g) to the expenditure, if any, actually incurred on the transport by passenger train or steamer at owner's risk of a motor car, and the fare at lowest class rate actually paid to a railway or steamer service in respect of one driver or cleaner for the car;

(h) to the actual freight paid for the transport of personal effects not exceeding the freight chargeable for transporting by goods train personal effects weighing <sup>1</sup>(2,400 kilograms).

Provided that no freight shall be payable for any personal effects which are capable of being carried in an inspection carriage.

(2) If any person <sup>2</sup>(other than wife and servants) accompany a Judge in a compartment of cabin reserved for him under sub-rule(1), fares shall be payable by him on their account, and the fares so paid shall, if full tariff rates have been paid by Government for the reserved accommodation, be credited to Government.

[(2A) When a Judge is deemed, under clause (ii) of sub-rule (3), to be travelling on duty, he shall also be entitled to reimbursement of the fares paid by him in respect of one of the members of his family (excluding married sons and married daughters ) if he or she accompanied him on such journeys.]

(3) For the purposes of this rule--

(i) all journeys to and from headquarters shall be deemed to commence and terminate at the Judge's residence at headquarters or, as the case may be at an out-station. For journeys by road within <sup>1</sup>(eight kilometres) of the Judge's residence at headquarters, no mileage allowance will be admissible unless the Judge actually proceeds to a place outside the <sup>1</sup>(eight kilometres) radius. Actual out station, no mileage allowance in addition to a daily allowance to which a Judge may be entitled will be admissible for road journeys within <sup>1</sup>(eight kilometres) of the Judge's temporary residence;

(ii) a Judge shall be deemed to be travelling on duty when, during a vacation of the Supreme

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1.Subs. by GSR 1187(E) dated 6.11.1986.

2.Ins. by GSR 579 dated 30.5.1974 w.e.f. 15.5.1974.



Court, he proceeds from any place in India where he was spending the vacation for the purpose of doing duty in the Supreme Court and returns to such place after completion of such duty;

(iii) "actual expenses" means the ordinary and normal expenses incidental to the journey and include any charge for ferry, payment of tolls, amount spent on transport of camp equipment but do not include such other charges as hotel charges, rent for occupying a traveller's bungalow, cost of refreshments, charges for carriage of stores or conveyance or presents to coachmen or tips to bearers or any other allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants;

<sup>1</sup>[(iv) ... .. ]

(v) when the period of continuous halt at any place exceeds ten days, but does not exceed thirty days, daily allowance shall be admissible at full rate for the first ten days and at three fourth of the rates for any subsequent days.

6. Travelling allowance payable to Judge when proceeding on, or returning from leave etc. (1) when a Judge--

- (a) proceeds on, or returns from leave, or
- (b) proceeds on, or returns from, vacation spent in or outside India, or
- (c) proceeds to join another post after resigning his office, he may, when travelling by rail in India, travel in a reserved compartment of the highest class, excluding the air-conditioned class, subject to the conditions prescribed in sub-rule (2) of rule 3 :

Provided that --

(i) the Chief Justice may travel in an inspection carriage or in an air conditioned coupe of two berths, if one is available;

(ii) a Judge, who was holding office as such immediately before the 9th March, 1954, may, when travelling by rail, travel in a reserved compartment of the highest class, excluding the air-conditioned class, subject to the conditions prescribed in sub-rule (2) of rule 5;

<sup>2</sup>[(iii) ... .. ]

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1. omitted by GSR 343 (E) dated 12.5.1976.  
2. Omitted by GSR 2010 dated 15.12.1970.

(2) The facilities provided under this rule will be available upto and from the place of embarkation or disembarkation or the place where the Judge ordinarily resides in India, as the case may be.

<sup>1</sup>(3) When a Judge retires from service, he and the members of his family shall be entitled to the following expenses for travel and for the transportation of personal effects from the place in which he was on duty prior to his retirement to the permanent residence in his home State declared for the purpose before retirement. If a Judge wishes to settle down at a place other than the permanent residence in his home State, the amount reimbursable to him on account of the expenditure actually incurred by him on his journey and the journey of the members of his family and for the transportation of personal effects shall be that which would have been admissible to him had he actually proceeded to his permanent residence in his home State or the amount reimbursable for journey to a place other than the permanent residence in his home State, whichever is less. The precise entitlement as aforesaid under these rules shall be as follows, namely :-

<sup>2</sup>[(a) When travelling by rail or air]

<sup>2</sup>[(i) the Judge himself may travel by a reserved compartment of highest class including the air conditioned class or by air. The members of his family may also travel in such reserved compartment.

(ii) members of his family not travelling in the reserved compartment may travel in the highest class of accommodation including the air-conditioned class or by air.

Provided that the Chief Justice may travel in an inspection carriage or in an air conditioned coupe of two berths, if one is available]

(b) when travelling by road;

<sup>3</sup>[One mileage allowance for the Judge, a second mileage allowance if two members of his family are traveling with him and a third mileage allowance if more than two members of his family travel with him at the rate applicable to the Judge on the date he was last on duty:

Provided that when any portion of the journey can be performed by rail, the allowance claimed in respect of that portion shall not exceed the amount admissible had the Judge and the members of his family travelled on such portion by rail by the highest class, including air-conditioned.]

<sup>4</sup>[(bb)when travelling by the modes referred to in clause (a) and (b), daily allowance shall be admissible to the Judge and each member of his family at the same rates as are admissible to a Judge when he travels on duty and the provisions of clause (f) of sub-rule (1) of the rule (5) shall, as far as may be, apply.]

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1. Ins. by GSR 2010 dated 15.12.1970.

2. Subs. by GSR 716 (E) dated 4.12.1991

3. Subs. by GSR 1187 (E) dated 6.11.1986.

4. Subs. by GSR 343(E) dated 12.5.1976.

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<sup>1</sup>(c) for transportation of one motor car, by passenger train at Railway risk or by air at owner's risk whichever is less]; and

(d) for transportation of other personal effects not exceeding the expenditure which would be incurred in the transport of <sup>2</sup>(a full four wheeler wagon or 6,000 kg. by goods train or on Double Container) and the expenditure incurred in loading and un-loading such personal effects;

(e) the lumpsum transfer grant and packing allowance at the same rates as are admissible to a member of the All India Services holding the rank of Secretary to the Government of India.

Provided that the above entitlement will lapse if the Journey is not completed by the Judge within six months from the date of his retirement.

Provided further that the members of his family may follow him within six months or precede him by not more than one month and the period of six months or one month, as the case may be shall count from the date of retirement of the Judge.

<sup>3</sup>Explanation--For the purposes of this rule and rule 7, members of a Judge's family means his wife, his children, parents, sisters and minor brothers normally residing with and wholly dependent on him.

<sup>4</sup>6A. Notwithstanding anything contained in rule 6, a Judge of the Supreme Court shall be entitled to leave travel concession for himself, his wife and the dependent members of his family for visiting any place in India (including permanent residence in his home State) during his leave, <sup>5</sup>(thrice) a year in accordance with the rules applicable in this behalf to a member of the Indian Administrative Service holding the rank of a Secretary to the Government of India.

Explanation:--For the purpose of this rule, 'leave' shall include vacation <sup>6</sup>(any of the Gazetted holidays, closed holidays and Sundays).

Provided that a Judge and his wife shall have the option to travel by air or by air-conditioned first class when travelling by Railway. Dependent members of the family shall also be allowed to travel with either of them by air conditioned first class or by Air, when the Judge or his wife travels on Leave Travel Concession (or they can travel independently while travelling by air).

[6B. Travelling facilities to Judge travelling on Sundays and holidays-- Judge while travelling by rail on Sundays or closed holidays shall be entitled to a reserved two-berths

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1.Subs. by GSR 915(E) dated 6.9.1988.

2.Ins. by GSR 484(E) dted 7.3.1986.

3. Subs. by GSR 343(E) dated 12.5.1976.

4.Ins. by GSR (E) dated 27.4.1972 further amended by GSR 899 dated 28.9.1985 Relettered by GSR 1187(E) dt.6.11.1986.

5.Subs. by GSR 979(E) dated 18.12.1990.

6.Ins. by GSR 636 dated 27.7.1988.

compartment of the highest class (excluding the air conditioned class) for his exclusive use.]

<sup>1</sup>[ ... .. ]

7. Travelling expenses payable to family of Judge who dies while in service--In the case of a Judge who dies while in service, the members of his family shall be entitled to the following travelling expenses for travel by the shortest route from the headquarters of the Judge to his normal place of residence which shall be the permanent home as entered in the record or such other place, as might have been declared to be permanent home by the Judge while in service, provided the journey is completed within six months after the death of the Judge:--

(a) For journey by rail and/or by Steamer--

<sup>2</sup>[(i) actual first class fare for every member of the family]

(ii) actual cost of transportation of personal effects upto <sup>2</sup>(a full wagon).

(b) For journeys by road--

<sup>3</sup>(i) one mileage allowance for one member of the family, a second mileage allowance if two members of the family and a third mileage allowance if more than two members of the family of the deceased Judge travel, at the rate applicable to such deceased Judge;

(ii) actual cost limited to the expenditure, which would be incurred in the transportation of <sup>3</sup>(2,400 kilograms) of goods and the expenditure incurred in embarking and disembarking such personal effects.

<sup>4</sup>(c) for journeys by the modes referred to in clauses (a) and (b) daily allowance at the same rates as are admissible to a Judge when he travels on duty and the provisions of clause (f) of sub-rule (1) of rule 5 shall, as far as may be, apply.]

The above concessions will also be admissible for the travel of a member of the family of the Judge from the headquarters of the Judge to a place other than the headquarters of the Judge, where the member happens to be at the time of the Judge's death, to a place other than the normal place of residence, provided that the total expenses claimed shall not exceed the amount admissible had such member travelled from the headquarters of the Judge to the normal place of residence and the journey is completed within six months after the death of the Judge.

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1. Omitted by GSR 1187(E) dated 6.11.1986.

2. Subs. by GSR 343(E) dated 12.5.1976.

3. Subs. by GSR 1187(E) dated 6.11.1986.

4. Ins by GSR 343(E) dated 12.5.1976.

This rule shall not apply to a Judge who dies while on leave pending retirement.

<sup>1</sup>( ... .. )

8. Repeal and Savings--(1) The Supreme Court Judges (Travelling Allowance) Rules, 1951, are hereby repealed.

Notwithstanding such repeal, nothing contained in these rules shall have effect so as to give to Judge who is serving as such at the commencement of these rules less favourable terms in respect of his travelling and daily allowances than those to which he would be entitled if these rules had not been made.

[ Ministry of Home Affairs No.12/12/56-Judl.I ]

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1. omitted by GSR 343(E) dated 12.5.1976

FOOT NOTE: Principal Rules published vide Notification No. GSR 844 dated 14th July, 1959, Gazette of India dated 25th July, 1959, Part-II Section 3(i) page 1054 (Ministry of Home Affairs F.No.12/19/56-Judl.I)

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Subsequently amended by :--

- (1) GSR 1881 dted 3.10.1968.
- (2) GSR 2010 dated 15.12.1970.
- (3) GSR 263(E) dated 27.4.1972
- (4) GSR 579 dated 30.5.1974.
- (5) GSR 1365 dated 18.12.1974.
- (6) GSR 343(E) dated 12.5.1976.
- (7) GSR 990 dated 28.7.1978.
- (8) GSR 871 dated 5.8.1980.
- (9) GSR 1043 dated 23.9.1980.
- (10) GSR 394 dated 4.4.1981.
- (11) GSR 899 dated 28.9.1985.
- (12) GSR 484(E) dated 7.3.1986.
- (13) GSR 175 dated 8.3.1986.
- (14) GSR 1187(E) dated 6.11.1986.
- (15) GSR 915(E) dated 6.9.1988.
- (17) GSR 979(E) dated 18.12.1990.
- (18) GSR 716(E) dated 4.12.1991.
- (19) GSR 378(E) dated 16.4.1993.
- (20) GSR 150(E) dated 24.2.1999.

THE SUPREME COURT JUDGES RULES, 1959  
(AS ON 1.4.2014)

<sup>1</sup>GSR 935, dated the 4th August, 1959,--In exercise of the powers conferred under sub-section (1) and clauses (a), (b), (d) and (e) of sub-section (2) of section 24 of the <sup>2</sup>Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, (41 of 1958), the Central Government hereby makes the following rules, namely:-

1. Short title--These rules may be called the Supreme Court Judges Rules, 1959.

2. Special disability leave--The rules for the time being in force with respect to the grant of special disability leave in relation to an officer of the Central Civil Services, Class-I, who has entered service on or after the 16th July, 1931, and who may be disabled by injury caused in, or in consequence of his official position shall apply in relation to a Judge, subject to the modification that the monthly rate of allowance payable to a Judge while on such leave shall be as specified in the First Schedule to these rules.

3. Extraordinary pensions and gratuities--The rules for the time being in force with respect to the grant of extraordinary pension and gratuities in relation to an officer of the Central Civil Services, Class-I, who has entered service on or after the 1st April, 1937, and who may suffer injury or dies as a result of violence in the course of and as a consequence of the due performance of his official duties, shall apply in relation to a Judge, subject, however, to the modification that reference in those rules to tables of injury gratuities and pensions, and of family gratuities and pensions shall be construed as references to the tables in the Second Schedule to these rules.

<sup>3</sup> 3A Payment of arrears of pension--A Judge may nominate any other person to receive the arrears of pension payable to him in accordance with the provisions of the payment of Arrears of Pension (Nomination) Rules, 1983.

<sup>4</sup>3B(1) Post retiral benefits--A retired Chief Justice shall be entitled during his lifetime to a payment of <sup>5</sup>twenty five thousand rupees per month for defraying the services of an orderly, driver and security guard, for meeting the expenses incurred towards secretarial assistance on contract basis and for maintainance of an office-cum residence. He shall also be entitled to a residential telephone free of cost and the number of free calls to the extent of 1,500 per month (over and above the number of free calls per month allowed by the telephone authorities).

\* (2) A retired Judge shall be entitled during his life time to a payment of fourteen thousand rupees per month for defraying the services of an orderly and for meeting the expenses incurred towards secretarial assistance on contract basis and also shall be entitled to a residential telephone free of cost and the number of calls to the extent of 1,500 per month (over and above the number of free calls per month allowed by the telephone authorities).

(3) The above retiral benefits shall be provided by the Registrar of the Supreme Court of India on furnishing a certificate by the retired Chief Justice in the form specified by the Registry of the Supreme Court of India.

Provided that the retiral benefits available under this rule shall not be deemed to be income, liable to Tax, under the Income Tax Act, 1961 (43 of 1961).

1. Published in the Gazette of India 1959, Pt. II Section 3(i) page (b)
  2. Subs. by Act 18 of 1998 w.e.f. 1.1.1996
  3. Ins. by GSR No. 1176(E) dated 4.11.1986 (F.No.24/20/86-Jus.)
  4. Ins. by GSR 680(E) w.e.f. 12.11.1991
  5. Subs. by GSR 162(E) dated 11.3.2006
- \* Subs by GSR No. 602(E) dated 29.9.2006.

4. Residence of Judges—Each Judge shall be entitled without payment of rent to the use of furnished residence throughout his term of office and for a period of <sup>1</sup>(one month) immediately thereafter, and no charge shall fall on the Judge personally in respect of the maintenance of such residence. This concession shall also be admissible to the members of the family of a Judge, who dies while in service, for a period of <sup>1</sup>(one month) immediately after his death.

Explanation—For the purposes of this rule, 'residence' includes the staff quarters and other buildings apartment thereto and the garden thereof, and 'maintenance' in relation to a residence includes the payment of <sup>2</sup>local rates and taxes and electricity and water.

This rule shall be deemed to have come into force on the 26<sup>th</sup> January, 1950.

<sup>3</sup>[4A. Rent for period of over stay—(1) Where a Judge occupies a residence beyond the period specified in rule 4, he shall be liable to pay, for the period of over stay, rent calculated in accordance with the provisions of Fundamental Rules 45-B together with full departmental charges or if the rents have been pooled, the pooled standard rent under Fundamental Rules 45-A whichever is higher.

(2) Where a Judge dies while in service the members of his family shall, in addition to the period specified in rule 4, be entitled to occupy residence for a further period not exceeding one month by making payment of rent calculated in accordance with the provisions of Fundamental Rules, 45-A, or, if the rents have been pooled the Standard rent under that rule].

<sup>4</sup>4B. Free furnishings-- The value of free furnishing (including electrical appliances) provided free of rent in the official residence allotted to the Chief Justice shall not exceed Rs. <sup>5</sup>(5,00,000) (Rupees five lakhs Only) and in the case of other Judges shall not exceed Rs. <sup>5</sup>(4,00,000) (Rupees four lakhs only).

Facilities for medical treatment and accommodation in hospitals—

In respect of facilities, for medical treatment and accommodation in hospitals, the provisions of the All India Services (Medical Attendance) Rules, 1954, shall apply to a Judge as they apply to a Member of the India Administrative Service and shall be deemed to have come into force on the 26th January, 1950.

*Provided that the expenses shall be reimbursed on prescription of Doctors/Hospitals or Recognised Private Practitioners/Private Hospitals by the Registry of the Supreme Court of India.*



6. Conditions of Services where no express provision is made in the Act -- The conditions of service of a Judge of the Supreme Court for which no express provision has been made in the <sup>7</sup>Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, shall be and shall from the commencement of the Constitution be deemed to have been determined by the rules for the time being applicable to a member of the Indian Administrative Service holding the rank of Secretary to the Government of India.

NOTE: Cases relating to reimbursement of medical charges or any other matter covered by rule 5 or rule 6 which have been decided before the date of publication of these rules in the official Gazette, shall not be re-opened unless it is specifically so desired by the Judge concerned.

7. Decision of question--If any question arises about the interpretation of the provisions of these rules, the decision of the Central Government thereon shall be final.

8. Savings--Nothing in these rules shall have effect so as to give to a Judge who is serving as such on the date of publication of these rules in the Gazette less favourable terms in respect of his privileges than those to which he should have been entitled, if these rules had not been framed.

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1 Subs. GSR No.634 dated 22.4.1976

2.Subs. by GSR 718(E) dated 3.11.1995 w.e.f. 1.4.1994

3.Ins. by GSR 634 dated 22.4.1976

4.Ins. by GSR 698 (E) dated 25.11.1991.

5.Subs.by GSR 880(E) dated 24.12.2008 w.e.f. 24.12.2008

6.Ins. by G.S.R.717(E) dated 3.11.1995.

7.Subs. by Act 18 of 1998 w.e.f. 1.1.1996

8.Subs. by GSR 757(E) dated 4.10.2001 w.e.f.25.5.2001

THE FIRST SCHEDULE

(See Rule 2)

The monthly rate of leave allowances payable to a Judge while on special disability leave shall be as follows:

Period	Monthly rate of leave allowance
(1) First 120 days	(a) at the monthly rate of salary for the First 45 days (b) at the monthly rate of Rs.2,220 for the next 75 days.
(2) for the remaining period of any such disability leave	(i) at the monthly rate of Rs,1,110/- (ii) at the option of the Judge for a period not exceeding the period of leave which under the provision in Chapter-II of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, may be admissible to him on full allowances, at the monthly rate of Rs.2,220/- provided that when such an option is exercised one half of such leave shall be debited in the leave account.

THE SECOND SCHEDULE

( See Rule 3 )

INJURY GRATUITY AND PENSION

Officer	Gratuity	Annual Pension	
		Higher Scale	Lower Scale
1. The Chief Justice of India or acting Chief Justice or a Judge of the Supreme Court.	Rs.20,000/-	Rs.5,400/-	Rs.4,700/-

FAMILY GRATUITY AND PENSION

(A) WIDOW

Officer	Gratuity	Annual Pension
1. The Chief Justice of India or acting Chief Justice or a Judge of the Supreme Court.	Rs.15,000/-	Rs.5,000/-

(B) CHILDREN

	Annual Pension
If the child is motherless	Rs.550/-
If the child is not motherless	Rs.320/-

[ Ministry of Home Affairs 15/6/58-Judl.I ]

India, Part-II, section 3(I) page 1161.

[ Ministry of Home Affairs No.15/6/58-Judl.I ]

Subsequently amended by:

1. Notification No.1/34/74-Jus(1) dated 18.12.1974.
2. GSR No.634 dted 22.4.1976.
3. GSR No.854 dated 1.8.1980.
4. GSR No.1176(E) dated 4.11.1986.
5. GSR No.680(E) dated 12.11.1991.
6. GSR No.381(E) dated 20/4/1993  
w.e.f. 25.9.1992.
7. G.S.R. 444(E) dated 10.5.1995 w.e.f.12.11.94
8. GSR No. 717(E) dated 3.11.1995.
9. GSR No. 718(E) dated 3.11.1995 w.e.f.1.4.1994
10. GSR No. 149(E) dated 24.2.1999.