CHAP. 23] THE HIGH COURT 319

The constitutionality of the provisions of the Constitutional (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointment Commission Act, 2014 were challenged in the Supreme Court. In response to the same, five-judge Bench of the Supreme Court declared the 99th Amendment Act, 2014 as well as the National Judicial Appointments Commission Act, 2014 to be unconstitutional. (Refer chapter 4).

A judge of a high court gets a salary of Rs 2,25,000 *per mensem* while the Chief Justice gets Rs 2,50,000 *per mensem.5* He is also entitled to such allowances and rights

Salaries, etc.

in respect of leave and pension as Parliament may from time   
to time determine, but such allowances and rights cannot be

varied by Parliament to the disadvantage of a judge after his appointment *[Article* 221].

The qualifications laid down in the Constitution for being eligible for

Qualifications for appointment as a judge of the high court are that —

Appointment as High (a) he must be a citizen of India, not being over 62 years;

Court Judge. and must have

(b) (i) held for at least 10 years a judicial office in the territory of India; or

(ii) been for at least 10 years an advocate of a high court or of two or more such courts in succession *[Article* 217(2)].

As in the case of the judges of the Supreme Court, the Constitution seeks to

Independence of the maintain the independence of the judges of the high courts

Judges. by a number of provisions:

(a) By laying down that a judge of the high court shall not be removed, except in the manner provided for the removal of a judge of the Supreme Court, that is, upon an address of each House of Parliament (passed by a special majority *[Article* 218];

(b) By providing that the expenditure in respect of the salaries and allowances of the judges shall be charged on the Consolidated Fund of the State *[Article202* (3) (d) ];

(c) By specifying in the Constitution the salaries payable to the judges and providing that the allowances of a judge or his rights in respect of absence or pension shall not be varied by Parliament to his disadvantage after his appointment *[Article* 221], except under a Proclamation of Financial Emergency *[Article* 360 (4) (b) ];

(d) By laying down that after retirement a permanent judge of high court shall not plead or act in a court or before any authority in India, except the Supreme Court and a high court other than the high court in which he had held his office *[Article* 220].

As Sir Alladi Krishnaswami explained in the Constituent Assembly,' while ensuring the independence of the Judiciary, the Constitution placed the high

Control of the Union   
over High Courts.

courts under the control of the Union in certain important   
matters, in order to keep them outside the range of   
"provincial politics". Thus, even though the high court

stands at the head of the State Judiciary, it is not so sharply separated from the federal Government as the highest court of an American State (called the State Supreme Court) is. The control of the Union over a high court in India is exercised in the following matters:

(a) Appointment *[Article*  217], transfer' from one high court to another *[Article* 222] and removal *[Article* 217(1), *Proviso* (b) ] , and determination of dispute as to age *[Article* 217(3) ], of judges of high courts.