Article 128
Attendance of retired Judges at sittings of the Supreme Court

Constitution (Ninety-ninth Amendment) Act, 2014 – "This amendment has been struck down by the Supreme Court in the case of Supreme Court Advocates-on-Record Association and another Vs. Union of India in its judgment dated 16-10-2015, AIR 2016 SC 117."

Notwithstanding anything in this Chapter, [1][the National Judicial Appointments Commission] may at any time, with the previous consent of the President, request any person who has held the office of a Judge of the Supreme Court or of the Federal Court [2][or who has held the office of a Judge of a High Court and is duly qualified for appointment as a Judge of the Supreme Court] to sit and act as a Judge of the Supreme Court, and every such person so requested shall, while so sitting and acting, be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a Judge of that Court:

> Provided that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as a Judge of that Court unless he consents so to do.

Amendment notes

1 Subs. by s. 5, ibid., for "the Chief Justice of India" (w.e.f. 13-4-2015). This amendment has been struck down by the Supreme Court in the case of Supreme Court Advocates- on-Record Association and another Vs. Union of India in its judgment dated 16-10- 2015, AIR 2016 SC 117.

2 Ins. by the Constitution (Fifteenth Amendment) Act, 1963, s. 3 (w.e.f. 5-10-1963).