

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:4015  
ANSWERED ON:19.02.2014  
APPOINTMENT OF JUDGES IN COMMISSIONS  
Karwariya Shri Kapil Muni

**Will the Minister of LAW AND JUSTICE be pleased to state:**

- (a) whether the appointment of sitting judges of High Courts and Supreme Court as the Chairman or member in commissions and other constitutional institutions affects the justice delivery system in the country;
- (b) if so, the details thereof along with the number and details of sitting judges appointed in Commissions and other constitutional positions;
- (c) whether the Government proposes not to appoint the sitting judges in commissions and the constitutional institutions and if so, the details thereof and if not, the reasons therefor;
- (d) the details of retired judges appointed in various such Commissions as on date; and
- (e) whether the Government proposes to appoint more of them in such posts and if so, the details thereof?

**Answer**

MINISTER OF LAW & JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) to (e) : Various legislations enacted by the Parliament in the country have provisions for appointment of sitting/retired judges of the Supreme Court or High Courts as Chairpersons and Members of the Commissions, Tribunals and Authorities.

Considering the position of arrears of cases in the courts, sitting Judges are not normally appointed to discharge functions other than those of a Judge of a Supreme Court or a High Court since appointment of a sitting Judge in another capacity adversely affects the disposal of cases. Whenever proposals for appointment of a sitting judge on full time basis are received, Government conveys 'no objection' for such appointment after consulting the Chief Justice of India/Chief Justice of High Court and if the concerned judge has less than six months of service as Judge. Administrative Departments have been requested to consider appointing a retired judge in such Commissions, Tribunals etc. unless there are very pressing and exceptional circumstances for the appointment of a sitting Judge. Therefore, many Commissions, Tribunals and Authorities are manned by retired judges.

Details of sitting/retired judges appointed as Chairmen and Members in Commissions and other constitutional positions are not centrally maintained by the Government.