

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

UNSTARRED QUESTION NO:2228
ANSWERED ON:18.12.2013
COOLING OFF PERIOD
Ray Shri Saugata

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

- (a) whether the Election Commission has suggested/recommended any `cooling off period for bureaucrats to join political party/to contest v- elections;
- (b) if so, the details thereof and the justification therefor; and
- (c) Government`s reaction in this regard?

Answer

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

(a) and (b): The Election Commission had suggested to provide suitable `cooling off period for government officers between the period of officers retiring or leaving government service and joining political party, so as to maintain their independence and neutrality in functioning while in office.

(c): The issue was examined by the Government in consultation with Ld. Attorney General of India who is of the view that any such restriction whether by way of service rules or by way of an amendment of the elections, laws may not stand the test of valid classification under article 14 of the Constitution of India. Thus the proposal was not found appropriate or feasible.