

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

UNSTARRED QUESTION NO:2070
ANSWERED ON:04.12.2014
POLITICAL APPOINTMENT OF RETIRED JUDGES
Dhurve Smt. Jyoti;Vichare Shri Rajan Baburao

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

- (a) whether the retired judges of Supreme Court/High Courts are appointed as Governor of States and if so, the details thereof along with the reasons for offering such political, appointments to retired Judges;
- (b) whether the retired Judges of Supreme Court/High Courts appointed as Chairmen/ Members of various Tribunals/Commissions are allowed to provide legal advice by charging huge fees;
- (c) if so, the details thereof along with the reasons therefor;
- (d) whether the Government proposes to prohibit these Chairmen/Members from giving any legal advice by charging fees in view of getting full emoluments from the Government against their re-appointment; and
- (e) if so, the details thereof and if not, the other steps taken/being taken by the Government in this regard?

Answer

MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA)

(a): Under Article 155 of the Constitution of India, the Governor of a State is appointed by the President by warrant under his hand and seal. As per Article 157 of the Constitution of India a person who is a citizen of India and has completed 35 years of age is eligible to be appointed as Governor of a State. There is no condition laid in the Constitution barring a retired Judge of the Supreme Court or High Court from becoming a Governor of a State.

(b) to (e): A uniform policy for conditions of service of Chairpersons and Members of various tribunals has been formulated and The Tribunals, Appellate Tribunals and Other Authorities (Conditions of Service) Bill, 2014¹ has been introduced in the Rajya Sabha on 19.02.2014. Clause 10 of the Bill prohibits undertaking of arbitration work by the Chairman/Member of Tribunals/Appellate Tribunals etc. The Bill has been referred to the Department-Related Parliamentary Standing Committee for examination and report.

A Writ Petition (C) No 866/2010 (Common Cause Vs Union of India) relating to taking up of arbitration work by a retired Judge of the Supreme Court or High Court while he/she is a Chairperson/Member of any Government appointed constitutional/ statutory body, commission, commission of inquiry, tribunal or appellate body is pending in the High Court of Delhi for decision.