

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 2819

ANSWERED ON 19/12/2024

POST-RETIREMENT JOBS FOR JUDGES

2819. SHRI RAMJI LAL SUMAN:

Will the Minister of *Law and Justice* be pleased to state:

- (a) whether Government has any recommendation of the 14th Law Commission, headed by MC Setalvad, that judges should not take up post-retirement jobs from Government and whether it also recommended setting the cooling-off period after retirement;
- (b) whether Government has any rules and criteria for the post-retirement jobs for the retired Chief justices of the Supreme Court, retired Judges of Supreme Court and retired High Court Judges; and
- (c) if so, the details thereof?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

(a) to (c): The First Law Commission in its 14th Report to the Government, had made some recommendations on the matter. Article 124(7) of the Constitution of India prohibits a retired Judge of the Supreme Court to plead or act in any Court or before any authority within the territory of India. Similarly, Article 220 of the Constitution prohibits a retired Judge of a High Court to plead or act in any Court or before any authority in India except the Supreme Court and the other High Courts. These restrictions are based on legal ethics, i.e. a person who has held office of a Judge in Supreme Court or High Court shall not plead or act before any authority where he is capable of influencing decisions. The Constitution does not stipulate any cooling-off period.

The retired Judges at various levels could be appointed / engaged by the Government of India or Government of States / UTs or any other entity, contingent upon extant framework governing such appointments / engagements.
