

Bill No. LIV of 2010

THE CHAIRPERSONS AND MEMBERS OF TRIBUNALS AND
COMMISSIONS (RETIREMENT AGE) BILL, 2010

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BILL

*to provide for uniform retirement age for Chairpersons and Members of the various
Tribunals and Commissions established under various laws enacted by Parliament.*

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Chairpersons and Members of Tribunals and Commissions (Retirement Age) Act, 2010. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification
5 in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, “Tribunals or Commissions” Definition.
means any Tribunal or Commission established under any law enacted by Parliament and
includes the Councils and State Commissions so established.

Retirement
age for
Chairperson
and Member
of any
Tribunal or
Commission.

3. Notwithstanding anything contained in any other law for the time being in force, on and from such date as the Central Government shall appoint in this behalf, the retirement age for Chairperson and Member of any Tribunal or Commission shall be seventy-two years and sixty-eight years respectively.

STATEMENT OF OBJECTS AND REASONS

The life expectancy in our country has tremendously improved and is comparable to many developed countries. Accordingly, there is a need for a fresh look towards the retirement age in various establishments of the Government. The retirement age of the Judge of Supreme Court is sixty five years whereas that of High Court is sixty two years. Many of these Judges are appointed as Chairpersons of Commission and Tribunals. In many cases, they hardly have much time to perform their functions. By the time they are accustomed with the system they are due for retirement. The abilities and experience of these Judges needs to be utilised for the good of the society for longer period. Similarly, the Government spends a lot of money for the training and orientation of its officers at senior level. Many senior officers are appointed Chairpersons/members of various Commission and Tribunal. Their rich experience for running the affairs of the Government also needs to be utilised for the benefit of the common man. In view of the lower retirement age in various establishments, the experience gained by the senior Government officers is being fruitfully tapped by multinationals by giving hefty salaries to these retired officers. It is the Government which should utilise the professional experience of these officers to the fullest in their establishments for the betterment of the society. Different enactments for establishing various Tribunals and Commission prescribe different retirement ages for their Chairperson and members without any cogent reasons. There is a strong case for uniformity in retirement age.

In this connection, the Law Commission of India in his 232nd Report regarding “retirement age of Chairperson and members of Tribunals” has recommended that the retirement age for the Chairperson of all the Tribunals and Commissions established under various statutes should be raised to seventy years. It has also recommended that the retirement age for members of these Tribunals/Commissions should be raised to sixty five years. It is felt that rich and vast experience of persons appointed in various Tribunal and Commission needs to be utilised more than what has been recommended by Law Commission. Accordingly, it has been proposed in the Bill that retirement age of Chairpersons of various Commissions and Tribunals shall be raised to seventy two years and of members to sixty eight years.

Hence, this Bill.

MAHENDRA MOHAN

RAJYA SABHA

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(Shri Mahendra Mohan, M.P.)