

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**RAJYA SABHA**

**UNSTARRED QUESTION NO. 2037**

**ANSWERED ON 08/08/2024**

**Post-retirement freezing period for Judges**

**2037. Shri P. Wilson :**

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

- (a) whether Government has considered bringing a freezing period for Judges to join political organizations, tribunals, quasi-judicial bodies and Government bodies after retirement/ resignation/ voluntary retirement, if so, details thereof;
- (b) if not, reason therefor;
- (c) details of steps taken to make virtual court mandatory across High Courts, Supreme Court, District Courts and Tribunals constituted under act of Parliament considering huge investment made to establish infrastructure facilities;
- (d) whether any steps have been taken to ensure periodical maintenance of infrastructural facilities, including upgradation; and
- (e) if so, details of grants provided to High Court, Supreme Court, District Court and Tribunals, if not, reason therefor?

**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) & (b) 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.

There are series of Parliamentary enactments in which provisions have been made that the post of Chairman of Tribunal/Commission can be filled up either by appointing a sitting Judge or a person qualified to be judge of the Supreme Court/ High Court or by Judges retired from Supreme Court, High Court and the State Judicial Services. The retired Judges represent a pool of talent, well versed in the art of adjudication and conversant with the process of delivering justice. Therefore, their services are often utilized by the Union/State Governments by appointing them to various Tribunals, Commissions of Inquiries, etc.

(c) The establishment of Virtual Court is an administrative matter which falls strictly within the purview and domain of the concerned High Court. The Central Government has no direct role in the matter. Department of Justice in association with eCommittee, Supreme Court of India has been implementing eCourtsMission Mode Project in a decentralized manner through respective High Courts. The eCommittee, Supreme Court of India is responsible for the policy planning, strategic direction and guidance for implementation of eCourts project. It is pertinent to mention that the Hon'ble Supreme Court of India, in its judgment in the case of Sarvesh Mathur vs The Registrar General, High Court of Punjab & Haryana [WP (Cr.) No. 351 of 2023] has issued directions for increasing the utilization of video conferencing. In addition, the Apex Court,

in its judgment in the case of The State of Uttar Pradesh & Ors. versus Association of Retired Supreme Court and High Court Judges at Allahabad & Ors [Civil Appeal Nos 23-24 of 2024] has endorsed a Standard Operating Procedure (SOP) specifically addressing the appearance of Government Officials before the Courts, which emphasizes allowing the Government officials, as a first option, to appear before the courts through video conferencing, thus saving huge official time spent in appearing in-person.

(d) & (e) The primary responsibility for providing suitable Judicial Infrastructure to the District / Subordinate Courts rests with the State Governments. However, to augment the resources of the State Governments, the Central Government has been administering a Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for subordinate judiciary by providing financial assistance to the State/UT Governments in the prescribed fund sharing pattern between Centre and States since the year 1993-94. The scheme has five components, viz., court halls, residential units, toilet complexes, digital computer rooms and lawyers hall. As per the guidelines, routine maintenance is not covered under the scheme. However, major renovation/upgradation of the existing structures are allowed under the scheme.

Since inception of the scheme in 1993-94, the Central Government has released Rs. 11332.975 crore under this Scheme to various States/UTs. Further, since 2021-22 till date, the Central Government has released Rs. 3007.73 crore under this Scheme to various States. As per the CSS guidelines, the Central Assistance to the States / UTs is restricted to the budgetary provision available under the Scheme during the financial year. However, States / UTs are at liberty to spend additional amount as per their requirement from their own resources. The fund releases to States/UTs over the years under the scheme is given below:

<b>Sl. No.</b>	<b>Year</b>	<b>Releases under the Scheme (Rs. in crore)</b>
1.	1993-94 to 2013-14	3444.3
2.	2014-15	933.00
3.	2015-16	562.99
4.	2016-17	538.74
5.	2017-18	621.21
6.	2018-19	650.00
7.	2019-20	982.00
8.	2020-21	593.00
9.	2021-22	684.60
10.	2022-23	857.20
11.	2023-24	1060.16
12.	2024-25 as on	405.775
<b>TOTAL</b>		<b>11332.975</b>

In addition to the above, the eCourts Mission Mode Project Phase I and Phase II were meant for the ICT development of the District & Subordinate Courts only. The Supreme Court and the High Courts did not form part of the project. Tribunals are outside the purview of eCourts project and they fall under the domain of respective Ministries. However, funds to all Subordinate Courts

were provided through the concerned High Courts only, as they are the implementing agency under the eCourts Project. In Phase II of the project, against an outlay of Rs.1670 crore, an amount of Rs. 1668.43 crore was spent. The Union Cabinet on 13.09.2023 has approved the Phase-III of eCourts Project, at an outlay of Rs.7,210 crore for a period of 4 years starting from 2023 onwards. Under eCourts Phase III, out of Rs. 825 crores allotted in FY 23-24, an expenditure of Rs 768.25 Cr (93.11%) has been made. During FY 2024-25, a budget allocation of Rs 1500 Cr. in the BE has been received and Rs 465.74 has already been released.

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