



Bill Summary

The Constitution (One Hundred and Twentieth Amendment) Bill, 2013

- The Constitution (One Hundred and Twentieth Amendment) Bill, 2013 was introduced in the Rajya Sabha on August 24, 2013 by the Minister of Law and Justice, Mr. Kapil Sibal.
- Pursuant to a review of constitutional provisions providing for the appointment and transfer of Judges, and relevant Supreme Court decisions on the matter, the need for a broad based Judicial Appointment Commission, for making recommendations for selection of judges was felt.
- The Bill seeks to enable equal participation of Judiciary and Executive, make the appointment process more accountable and ensure greater transparency and objectivity in the appointments to the higher judiciary.
- The Bill proposes to insert a new Article 124A, and amend Articles 124(2) and 217(1) which lay down the procedure for appointment of judges to the Supreme Court and High Court respectively.
- The proposed Article 124 A contains two clauses; Clause (1) provides for a Commission, to be known as the Judicial Appointments Commission.
- Article 124A(2) enables Parliament to make a law that provides the manner of selection for appointment as Chief justice of India and other Judges of the Supreme Court, Chief justices and other judges of the High Courts.
- Furthermore, Article 124A (2) enables that law to lay down the following features of the Commission: (i) the composition, (ii) the appointment, qualifications, conditions of service and tenure of the Chairperson and Members, (iii) the functions, (iv) procedure to be followed, (v) other necessary matters.
- Consequently, the Bill amends Articles 124 (2) and 217 (1) of the Constitution which provided for appointment of Judges to the Supreme Court and High Court respectively.
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