

Bill Summary

The Judicial Appointments Commission Bill, 2013

- The Judicial Appointments Commission Bill, 2013 was introduced in the Rajya Sabha on August 24, 2013 by the Minister of Law and Justice, Mr. Kapil Sibal.
- The Bill has been introduced in conjunction with the Constitutional (One Hundred and Twentieth Amendment) Bill, 2013, which inserts Article 124A, providing for the setting up of a Judicial Appointments Commission, and is pending before Parliament.
- The Bill provides for the composition, functions and procedure of the Judicial Appointments Commission. The Commission is sought to be established for the purpose of recommending persons for appointment as Chief Justice of India and other Judges of the Supreme Court, and Chief Justice and other Judges of High Courts.
- The Bill seeks to enable equal participation of Judiciary and Executive, ensure that the appointments to the higher judiciary are more participatory, transparent and objective.

Establishment and composition of Commission

- The Commission shall be chaired by the Chief Justice of India (CJI) and shall comprise of two other senior most Judges of the Supreme Court, the Union Minister for Law and Justice, and two eminent persons to be nominated by the collegium.
- The collegium comprises the Prime Minister, the CJI and Leader of Opposition of the Lok Sabha. The eminent members will retain membership for a three year period and are not eligible for re nomination.
- The Secretary to the Government of India in the Department of Justice shall be the convener of the Commission.

Functions of Commission

- The Commission seeks to perform functions that relate to appointment, transfer and quality of candidates.
- Those include (i) recommending persons for appointment as Chief Justice of India; judges of the Supreme Court,

Chief Justices of High Courts and other judges of High Courts; (ii) recommending of transfer of Chief Justices of High Courts and the judges of High Courts, from one High Court to any other High Court; iii) ensuring that the person recommended is of ability, integrity and standing in the legal profession.

- The procedure for recommendation with respect to appointment of High Court Judges includes eliciting views of the Governor, Chief Minister and Chief Justice of High Court of the concerned state, in writing. This shall be in accordance with procedure specified by regulations made by the Commission.

Reference to Commission for filling up of vacancies

- Upon the arising of a vacancy in the High Court and Supreme Court, references to the Commission shall be made by the Central Government.
- Intimation of existing vacancies shall be made within a period of three months from the date of coming into force of this Act.
- In the case of vacancy due to the completion of term, reference shall be made two months prior to the date of occurrence of vacancy.
- In the case of vacancy due to the death, resignation, reference shall be made within a period of two months from the date of occurrence of vacancy.

Procedure for short listing of candidates

- Process for selection shall be initiated by the Convener, by inviting recommendations from the Chief Justices of High Courts, the Central Government and the State Governments, for candidates fulfilling eligibility criteria.
- The Commission may make regulations to specify the procedure for short listing of candidates for considering their appointment as Judges to the High Court and Supreme Court.

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