

Bill Summary

The National Judicial Appointments Commission Bill, 2014

- The National Judicial Appointments Commission Bill, 2014 was introduced in the Lok Sabha on August 11, 2014 by the Minister of Law and Justice, Mr. Ravi Shankar Prasad.
- The Bill has been introduced in conjunction with the Constitutional (121st Amendment) Bill, 2014, which establishes the National Judicial Appointments Commission (NJAC).
- The Bill provides for the procedure to be followed by the NJAC for recommending persons for appointment as Chief Justice of India and other Judges of the Supreme Court (SC), and Chief Justice and other Judges of High Courts (HC).

Reference to Commission for filling up of vacancies

- When a vacancy arises in the SC or HCs, the central government will make a reference to the NJAC.
- Existing vacancies will be notified to the NJAC within thirty days of the Act entering into force.
- When a vacancy arises due to the completion of term, a reference will be made to the NJAC, six months in advance.
- For vacancies due to death or resignation, a reference must be made to the NJAC within thirty days of its occurrence.

Procedure for Selection of Supreme Court judges

- **Chief Justice of India:** The NJAC shall recommend the senior most judge of the Supreme Court for appointment as Chief Justice of India. This is provided he is considered fit to hold the office.
- **SC judges:** The NJAC shall recommend names of persons on the basis of their ability, merit and other criteria specified in the regulations.
- **Veto power of members:** The NJAC shall not recommend a person for appointment if any two of its members do not agree to such recommendation.

Procedure for Selection of High Courts judges

- **Chief Justices of HCs:** The NJAC is to recommend a Judge of a High Court to be the Chief Justice of a High Court on the basis of seniority across High Court judges. The ability, merit and other criteria of suitability as specified in the regulations would also be considered.
- **Appointment of other HC Judges:**

- **Nominations:** Nominations shall be sought from Chief Justice of the concerned High Court for appointments of HC judges.
- **Eliciting views:** The Commission shall nominate names for appointment of HC judges and forward such names to the Chief Justice of the concerned HCs for his views.

In both cases, the Chief Justice of the HC shall consult two senior most judges of that HC and any other judges and advocates as specified in the regulations.

- **Views of the Governor and CM:** The NJAC shall elicit the views of the Governor and Chief Minister of the state before making recommendations.
- **Veto power of members:** The NJAC shall not recommend a person for appointment if any two members of the Commission do not agree to such recommendation.

Transfer of Chief Justices and High Court judges:

- The NJAC is to make recommendations for transfer of Chief Justices and other judges of the High Courts.
- The procedure to be followed will be specified in the regulations.

Power of the President to require reconsideration

- The President may require the NJAC to reconsider the recommendations made by it.
- If the NJAC makes a unanimous recommendation after such reconsideration, the President shall make the appointment accordingly.

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