

The Constitution (120th 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 Article 124(2) (a).
- The proposed Article 124 A contains two clauses; Clause (1) provides for a Commission, to be known as the Judicial Appointments Commission and 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 Article 124 (2) (a) of the Constitution, providing for appointment of Judges to the higher judiciary, by the President, after consultation with Judges of the Supreme Court and High Courts in the states.