

Standing Committee Report Summary

The Judicial Appointments Commission Bill, 2013

- The Standing Committee on Personnel, Public Grievances, Law and Justice (Chairperson: Mr Shantaram Naik) submitted its report on the Judicial Appointments Commission Bill, 2013 on December 9, 2013. The Bill was introduced in Rajya Sabha on August 29, 2013.
- The Constitution (120th Amendment) Bill, 2013 amends provisions related to appointment and transfer of judges to the higher judiciary. It establishes a Judicial Appointments Commission (JAC) to make such recommendations to the President. The JAC Bill, 2013 lays down the composition, functions etc. related to the JAC.
- The Committee suggested that to safeguard the independence of the judiciary, the structure and functions of the JAC should be included in the Constitution.
- It is suggested that there should be three eminent persons, instead of two. At least one of the three members should be an SC, ST, OBC, woman, or minority, preferably by rotation. The Committee also suggested the fields of eminence be specified in the Bill.
- The Committee suggested that the Bill should lay down the broad parameters for short listing of candidates for selection as HC judges.
- The Committee noted that the views of the Governor, Chief Minister and Chief Justice of the concerned High Court would be solicited separately in writing. The Committee felt that this process was time consuming and limited the scope of consultation between them.
- It recommended that the JAC must make regulations related to transfer of judges, in supersession with the Memoranda of Procedure prepared by the Department of Justice. Further, the Judge of the High Court, in charge of administration, should be from a different state.
- The Committee suggested that eligible members of the Bar should be given an opportunity to be considered for appointment, by way of public notifications and advertisements, as is the practice in the United Kingdom.
- In the opinion of the Committee, the JAC would be overburdened to handle appointments of around 800 judges of 24 high courts in the country. To assist the JAC, the setting up of state level appointment commissions must be considered. They may consist of the Chief Minister, the Chief Justice of HC and the Leader of Opposition.
- The Committee suggested that The All India Judicial Service must be created at the earliest, to attract talent to the subordinate judiciary.

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