



# Standing Committee Report Summary

## The Constitution (One Hundred and Fourteenth Amendment) Bill, 2010

- The Standing Committee on Personnel, Public Grievances, Law and Justice's 44<sup>th</sup> Report on Constitution (One Hundred and Fourteenth Amendment) Bill, 2010 was laid before the Lok Sabha on December 9, 2010. The Chairperson of the Committee was Ms. Jayanthi Natrajan.
- The Bill seeks to amend Articles 217 and 224 of the Constitution relating to judges of the High Courts (HC). The Constitution allows every judge of a HC including additional and acting judges to hold office till 62 years of age. The Bill increases the age limit to 65 years.
- The Standing Committee has recommended that the Bill should be passed expeditiously. It stated that the reasons for increasing the age of retirement of central government employees would apply to the HC judges as well. These reasons include increased life expectancy, improved health standards, need for utilization of experience and wisdom of senior employees.
- The Committee noted that there is a vacancy of 270 positions in the HC judiciary with only 625 judges holding posts. According to the Committee the vacancies have been created due to the procedures involved in appointment of judges. It was noted that the Bill would check increases in the number of vacancies but would not provide a solution to the delay in appointment of judges.
- The Committee noted that some HCs do not have infrastructural capacity to accommodate the sanctioned strength of judges. It recommended removal of these bottlenecks by the government for the HCs to function as per their sanctioned strength. This would reduce the pendency of cases in the HCs.
- The Committee opined that an increase in the age limit would reduce competition between judges of the HC for elevation to the Supreme Court. This would ensure a 'fairly reasonable' tenure and also enable them to make valuable contributions in dispensation of justice.
- The Committee also made recommendations for the functioning of the judiciary. It recommended a review of the higher judiciary's appointment procedure and performance. It has recommended the establishment of a National Judicial Commission with representatives from the judiciary, executive, the Bar and Parliament. It was of the view that the appointment of judges should be governed by a process which is rational, transparent and accountable. The Committee emphasised the need to deal with errant judges expeditiously and comprehensively.

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