



Bill Summary

The Constitution (121st Amendment) Bill, 2014

- The Constitution (One Hundred and Twenty- First Amendment) Bill, 2014 was introduced in the Lok Sabha on August 11, 2014 by the Minister of Law and Justice, Mr. Ravi Shankar Prasad.
 - According to the Statement of Objects and Reason of the Bill, there is a need for a broad based National Judicial Appointment Commission (NJAC), for making recommendations for selection of judges. 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.
 - The Constitution (121st Amendment) Bill amends the provisions of the Constitution related to the appointment of Supreme Court and High Court judges, and the transfer of High Court judges.
 - **Creation of the NJAC:** Article 124 (2) of the Constitution provides that the President will make appointments of Supreme Court (SC) and High Court(HC) judges after consultation with the Chief Justice of India and other SC and HC judges as he considers necessary. The Bill amends Article 124 (2) of the Constitution to provide for a Commission, to be known as the National Judicial Appointments Commission (NJAC). The NJAC would then make recommendations to the President for appointments of SC and HC judges.
 - **Composition of the NJAC:** A new Article, Article 124A provides for the composition of the NJAC. The NJAC would consist of:
 - (i) Chief Justice of India (Chairperson)
 - (ii) Two senior most Supreme Court Judges
 - (iii) The Union Minister of Law and Justice
 - (iv) Two eminent persons (to be nominated by a committee consisting of the Chief Justice of India, Prime Minister of India and the Leader of Opposition in the Lok Sabha)
- Of the two eminent persons, one person would be from the SC/ST/OBC/minority communities or be a woman. The eminent persons shall be nominated for a period of three years and shall not be eligible for re-nomination.
- **Functions of the NJAC:** A new Article, Article 124B, provides for the functions of the NJAC which 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 transfer of Chief Justices and other Judges of High Courts from one High Court to any other High Court; and
 - (iii) Ensuring that the persons recommended are of ability and integrity.
 - **Power of Parliament to make law on procedures:** A new Article, Article 124C, enables Parliament to pass a law to: (i) regulate the procedure of appointments, and (ii) empower the NJAC to lay down the procedure for its functioning, and manner of selection of persons for appointment, through regulations.

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