

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:2399

ANSWERED ON:05.02.2014

JUDICIAL APPOINTMENTS COMMISSION

Krishnaswamy Shri M.;Kumar Shri P.;Premajibhai Dr. Solanki Kiritbhai;Sugumar Shri K.

**Will the Minister of LAW AND JUSTICE be pleased to state:**

(a) whether the Government has cleared the proposal to confer constitutional status to the proposed Judicial Appointments Commission (JAC) for appointment and transfer of judges of the higher judiciary;

(b) if so, the details thereof; and

(c) the present status of JAC Bill, 2013 and the time frame within which the commission is likely to be set up?

**Answer**

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) to (c) : The Government proposes to change the existing system for appointment and transfer of Judges in the Supreme Court and High Courts by establishing a Judicial Appointments Commission (JAC) with a view to broad base the process of appointment. The JAC would be headed by the Chief Justice of India (CJI) and would consist of two other Judges of the Supreme Court next to the CJI in seniority, Union Minister in charge of Law and Justice and two eminent persons to be nominated by Collegium consisting of the Prime Minister, CJI and the Leader of Opposition in the House of People.

For establishment of JAC, two Bills titled 'The Constitution (One Hundred and Twentieth Amendment) Bill, 2013' and 'The Judicial Appointments Commission Bill, 2013' were introduced in the Rajya Sabha. 'The Constitution (One Hundred and Twentieth Amendment) Bill, 2013', which is an enabling legislation for JAC, was passed by the Rajya Sabha on 5th September, 2013 as the 'Constitution (Ninety Ninth Amendment) Bill, 2013'. However, 'The Judicial Appointments Commission Bill, 2013' was referred to the Department-Related Parliamentary Standing Committee (PSC) on Personnel, Public Grievances, Law and Justice for examination.

The Committee presented its report on the Judicial Appointments Commission, Bill, 2013 on 9th December, 2013 to Parliament. After examining the report, the recommendations of the PSC that the composition and functions of the Judicial Appointments Commission should be mentioned in the Constitution itself and that the JAC should initiate process for appointment of Judges well in advance for timely filling up of vacancies has been accepted by the Government.

Accordingly, the composition and functions of JAC is proposed to be omitted from the JAC Bill, 2013 and included in the Constitution (One Hundred Twentieth Amendment) Bill, 2013. The two Bills are proposed to be placed before the Parliament for consideration and passing in the current session.