

Bill No. LXIV of 2012

THE CONSTITUTION (AMENDMENT) BILL, 2012

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BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

Short title and
commence-
ment.

(2) It shall come into force with immediate effect.

2. In article 124 of the Constitution for clause (7), the following shall be substituted,
5 namely:—

Amendment
of article 124.

"(7) No person who has held office as a Judge of the Supreme Court shall plead or act or express written opinion or engage in arbitration in any court or before any authority within the territory of India and outside India:

10 Provided that he may do so upon a request made by the President or the Prime Minister of India or the Governor or the Chief Minister of a State in a matter of national interest."

STATEMENT OF OBJECTS AND REASONS

Article 124 (7) of the Constitution which deals with the post retirement activity of the Supreme Court judges prohibits practice by Supreme Court judges after their retirement. It has, however, been observed that some of the judges after ceasing to hold the office, engaged themselves in chamber practice in the form of written opinion under signature given for use of in any court, tribunal or authority and in paid arbitration work done while heading a Commission availing the benefits of the perquisites or salary. A former Attorney-General had expressed grave concern over former Chief Justices of India filing affidavits on behalf of private litigants in the US Courts. Instances of such kind impinge on the credibility of the institution of higher Judiciary in India on which lies the greatest responsibility for preservation of the principles of Constitution.

This issue has been assuming significance in recent years in view of the increasing demand for judicial reforms from various quarters from time to time. The proposed amendment in article 124 of the Constitution is, therefore, required to ensure and strengthen the judicial independence and to maintain the credibility of the higher judiciary which are of paramount importance to our democracy.

Hence this Bill.

H.K. DUA

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

*	*	*	*	*	*
124. (1)	*	*	*	*	* Establishment and constitution of Supreme Court.
(2)	*	*	*	*	*
(2A)	*	*	*	*	*
(3)	*	*	*	*	*
(4)	*	*	*	*	*
(5)	*	*	*	*	*
(6)	*	*	*	*	*

(7) No person who has held office as a Judge of the Supreme Court shall plead or act in any court or before any authority within the territory of India.

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RAJYA SABHA

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(Shri H.K. Dua, M.P.)