

13 MAY 2005

Bill No. 56 of 2005

THE CONSTITUTION (AMENDMENT) BILL, 2005

By

SHRI ABDULLAKUTTY, M.P.

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BILL

further to amend the Constitution of India

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2005.

Short title.

2. In article 124 of the Constitution, after clause (7), the following clause shall be inserted, namely:—

Amendment
of article
124.

5 (8) No person who has held office as a Judge of the Supreme Court of India shall be eligible for any further office either under the Government of India or under the Government of any State after he has ceased to hold his office."

Amendment
of article
217.

3. In article 217 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

“(4) No person who has held office as a Judge of a High Court shall be eligible for any further office either under the Government of India or under the Government of any State after he has ceased to hold his office.”.

STATEMENT OF OBJECTS AND REASONS

The Judges of the Supreme Court and High Courts are high dignitaries. In the recent past, it has been seen that the Judges are offered lucrative posts after their retirement. In order to maintain dignity of the post, it is proposed to provide that Judges shall not hold any post under the Government after their retirement.

NEW DELHI,
March 29, 2005.

ABDULLAKUTTY

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

	*	*	*	*	*	*	*
Establishment and Constitution of Supreme Court	124. (1)	*	*	*	*	*	*
		*	*	*	*	*	*
	(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.						
	*	*	*	*	*	*	*
Appointment and conditions of the office of a Judge of a High Court.	217. (1)	*	*	*	*	*	*
	*	*	*	*	*	*	*
	(3) If any question arises as to the age of a Judge of a High Court, the question shall be decided by the President after consultation with the Chief Justice of India and the decision of the President shall be final.						
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(Shri Abdullakutty, M.P.)