

News

Supreme Court's full court rejected plan to have regional Benches in 2010: Centre in Lok Sabha



The reply further mentioned that litigation concerning a similar issue is currently pending before the Supreme Court.

A Chief Justice of India-led Full Court had, in 2010, rejected proposals to set up regional benches of the Supreme Court outside Delhi, finding no justification for such a move, the Union government told the Lok Sabha on Friday.

Responding to a question by Trinamool Congress Member of Parliament (MP) Bapi Haldar, the Minister of State for Law and Justice, Arjun Ram Meghwal said that the issue was

reviewed by the Supreme Court's Full Court in its meeting held on February 18, 2010.

"The matter was referred to the Chief Justice of India, who has informed that after review of the matter, the Full Court in its meeting held on 18th February, 2010, found no justification for setting up of benches of the Supreme Court outside Delhi," the Minister stated.

The reply noted that Article 130 of the Constitution of India states that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may, with the approval of the President, appoint from time to time.

The Centre also referred to multiple Law Commission reports that had suggested structural changes to the Supreme Court.

The Eleventh Law Commission, in its 125th Report titled ***"The Supreme Court – A Fresh Look"*** submitted in 1988, reiterated earlier recommendations of the Tenth Law Commission to split the Supreme Court into two parts: a Constitutional Court at Delhi and a Court of Appeal or Federal Court with benches in different regions of the country.

Similarly, the Eighteenth Law Commission, in its 229th Report, proposed the establishment of a permanent Constitutional Bench at Delhi, along with four Cassation Benches in the Northern, Southern, Eastern and Western regions, to be located at Delhi, Chennai or Hyderabad, Kolkata, and Mumbai respectively.

The government said these recommendations were put before the Chief Justice of India. However, the plan was rejected by the Full Court.

The reply further noted that a similar issue, touching the creation of a National Court of Appeal, is currently pending before the Supreme Court on its judicial side.

The writ case was filed in 2016. On July 13, 2016, the Supreme Court thought it appropriate to refer the question to a Constitution Bench for an authoritative pronouncement.

"The matter is sub judice in the Supreme Court," the Minister added