

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

UNSTARRED QUESTION NO. 515

TO BE ANSWERED ON FRIDAY, THE 09.12.2022

Demands for Setting up of Benches of Courts

**515. SHRI MANNE SRINIVAS REDDY:
SHRI SAPTAGIRI SANKAR ULAKA:
SHRI KANUMURU RAGHU RAMA KRISHNA RAJU:**

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

- (a) whether the Government has any proposal to set up new High Court benches in the country, if so, the details thereof;
- (b) the details of demands made, requests and proposals received from various States including Odisha for setting up of bench(es) of various courts in some cities like Supreme Court Bench at Hyderabad, Madras High Court Bench in Puducherry and new High Court bench in undivided district of Koraput and Western Odisha;
- (c) the present status of the said demands/ proposals, State-wise;
- (d) the details of such demands rejected along with the reasons therefor; and
- (e) the time by which the necessary action is likely to be taken and implemented by the Government?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (e): High Court Benches are established in accordance with the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Apex Court in W.P.(C) No. 379 of 2000 and after due consideration of a complete proposal from the State Government which has to provide necessary expenditure & infrastructural facilities and the Chief Justice of the concerned High Court who is required to look after the day-to-day administration of the High Court. The complete proposal should also have the consent of the Governor of the concerned State.

Requests for establishment of High Court Benches in places other than the Principal Seat of High Courts have been received from various organizations from time to time including State Government of Odisha. The State Government of Odisha has requested for setting up of Orissa High Court Bench in Western and Southern region of Odisha. The Central Government has requested the State Government of Odisha to work out details of proposed Benches including its location in consultation with High Court of Orissa. However, no response has been received yet. At present, no complete proposal from the State Government of Odisha regarding setting up of a Bench of the High Court is pending with the Government.

Article 130 of the Constitution of India provides 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, from time to time, appoint.

The Eleventh Law Commission in its 125th Report titled “The Supreme Court - A Fresh Look”, submitted in 1988, reiterated the recommendations made by Tenth Law Commission in its 95th Report for splitting the Supreme Court into two namely (i) Constitutional Court at Delhi and (ii) Court of appeal or Federal Court sitting in North, South, East, West and Central India. The Eighteenth Law Commission in its 229th Report had also suggested that a Constitutional Bench be set up at Delhi and four Cassation Benches be set up in the Northern region at Delhi, Southern region at Chennai/Hyderabad, Eastern region at Kolkata and Western region at Mumbai.

The matter was referred to the Chief Justice of India, who has informed that after consideration 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.

In Writ Petition WP(C) No. 36/2016 on establishment of National Court of Appeal, the Supreme Court vide its judgment dated 13.07.2016 deemed it proper to refer the aforementioned issue to Constitutional Bench for authoritative pronouncement. The matter is sub-judice in the Supreme Court.
