

Bill No. 106 of 2020

THE SUPREME COURT OF INDIA (ESTABLISHMENT OF CIRCUIT
BENCHES AT ERNAKULAM, MUMBAI AND KOLKATA) BILL, 2020

By

SHRI HIBI EDEN, M.P.

A

BILL

*to provide for the establishment of Circuit Benches of the Supreme Court of India at
Ernakulam, Mumbai and Kolkata.*

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

1. (1) This Act may be called the Supreme Court of India (Establishment of Circuit
Benches at Ernakulam, Mumbai and Kolkata) Act, 2020.

Short title and
commencement.

5 (2) It shall come into force on such date, not being later than three months from the
date of assent of the President, as the Central Government may, by notification in the Official
Gazette, appoint.

Establishment
of Circuit
Benches of
the Supreme
Court of India
at Ernakulam,
Mumbai and
Kolkata.

2. There shall be established a Circuit Bench of the Supreme Court of India—

(a) at Ernakulam and such number of Judges of the Supreme Court of India, being not less than five, as the Chief Justice of India may, from time to time, with the approval of the President, nominate, shall sit at Ernakulam on a rotation basis, in order to exercise the jurisdiction and power for the time being vested in the Supreme Court of India in respect of cases arising in the States of Kerala, Tamil Nadu, Karnataka, Andhra Pradesh, Telangana, Odisha, Union Territories of Puducherry and Lakshadweep and such other territories as may be notified by the Central Government, from time to time, with approval of the Chief Justice of India; 5

(b) at Mumbai and such number of Judges of the Supreme Court of India, being not less than five, as the Chief Justice of India may, from time to time, with the approval of the President, nominate, shall sit at Mumbai on a rotation basis, in order to exercise the jurisdiction and power for the time being vested in the Supreme Court of India in respect of cases arising in the States of Rajasthan, Gujarat, Maharashtra, Goa, Madhya Pradesh, Union Territories of Dadra and Nagar Haveli and Daman and Diu and such other territories as may be notified by the Central Government, from time to time, with approval of the Chief Justice of India; and 10 15

(c) at Kolkata and such number of Judges of the Supreme Court of India, being not less than five, as the Chief Justice of India may, from time to time, with the approval of the President, nominate, shall sit at Kolkata on a rotation basis, in order to exercise the jurisdiction and power for the time being vested in the Supreme Court of India in respect of cases arising in the States of Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Jharkhand, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, West Bengal, the Union Territory of Andaman and Nicobar Islands and such other territories as may be notified by the Central Government, from time to time, with approval of the Chief Justice of India. 20 25

STATEMENT OF OBJECTS AND REASONS

Judiciary is a co-equal branch of the government within India's democratic and constitutional framework along with the legislature and the executive. The role of courts in society is not merely to adjudicate disputes between parties, but also to protect the rights and liberty of individuals, among which the presence of Supreme Court is important one.

It is a well known fact that Justice delayed is justice denied and all other services are at doorstep, except courts.

Time is the most valuable thing, some experts feel that this could have an adverse impact on the constitutional superiority of the Supreme Court. Nothing could be farther from the truth as the increase in the faith of a common person that justice is tenable without travel across thousands of kilometres would, any day, be much larger than any minor adjustment that the clerical processes need to undertake in the short term.

The time has come for the Parliament to pass the Bill which ensures the accessibility to justice irrespective of one's distance from Delhi and also for the Supreme Court to favour this progressive legislation.

Hence this Bill.

NEW DELHI;
March 13, 2020

HIBI EDEN

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 117(3) OF THE CONSTITUTION

[Copies of Letter No. K-15019/04/2020-US.I dated 10 June, 2020 from Shri Ravi Shankar Prasad, Minister of Law and Justice, Communications and Electronics and Information Technology to the Secretary General, Lok Sabha].

I. The President, having been informed of the subject matter of the Supreme Court of India (Establishment of Circuit Benches at Ernakulam, Mumbai and Kolkata) Bill, 2020 by Shri Hibi Eden, M.P., recommends the introduction and consideration of the Bill in Lok Sabha under articles 117(1) and 117(3), respectively, of the Constitution.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of Circuit Benches of the Supreme Court of India at Ernakulam, Mumbai and Kolkata. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of about rupees five crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees eighty crores is also likely to be involved.

LOK SABHA

A

BILL

to provide for the establishment of Circuit Benches of the
Supreme Court of India at Ernakulam,
Mumbai and Kolkata.

(Shri Hibi Eden, M.P.)