

Bill No. XXVI of 2015

THE CONSTITUTION (AMENDMENT) BILL, 2015

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the "The Constitution (Amendment) Act, 2015".

Short title,
and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

5 2. For article 130 of the Constitution, the following shall be substituted, namely,—

Amendment
of article 130.

"130. The Supreme Court shall sit in Delhi and Kolkata 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."

STATEMENT OF OBJECTS AND REASONS

The appellants are already burdened and are further shunned to face the ordeal of having to travel thousands of kilometres to the seat of the Supreme Court in Delhi for their trial and the consequent follow up of their cases.

Moreover, the number of pending court cases in the country has crossed three crore mark. Figures on the chronic backlog of court cases are an indictment of the country's beleaguered legal system. The plight of persons awaiting trial needs to be understood and addressed. It is not just the wastage of time, but also an increased financial burden that makes the process inconvenient, cumbersome and expensive.

Article 130 of the Constitution of India envisages 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 language of the article clearly indicates that there was an intention of the founding fathers of the Constitution to have more than one seat of the Supreme Court.

Hence, the Bill seeks to establish a permanent bench of the Supreme Court in Kolkata in West Bengal bench Delhi. Calcutta High Court is the oldest and geographically, Kolkata is a strategic location for a permanent bench as it is easily accessible for litigants of central, eastern, south-eastern and especially north-eastern states. This will provide for a robust mechanism to not only manage pendency of court cases but simultaneously makes the justice opportune, public-friendly and efficient.

Hence, the Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 2 of this Bill amends article 130 of the Constitution to establish a permanent bench of the Supreme Court in Kolkata, West Bengal.

The Bill, therefore, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees ten crore per annum.

However, a non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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Seat of the
Supreme
Court.

ARTICLE 130

130. 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.

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RAJYA SABHA

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further to amend the Constitution of India.

(Shri Vivek Gupta, M.P.)