

Bill No. XXXVIII of 2014

THE CONSTITUTION (AMENDMENT) BILL, 2014

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BILL

further to amend the Constitution of India.

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

1. (i) This Act may be called the Constitution (Amendment) Act, 2014.

Short title
and
commencement.

(ii) It shall come into force at once.

2. In article 214 of the Constitution, the following proviso shall be inserted, namely:—

Amendment
of article 214.

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“Provided that the Parliament may by law establish such number of permanent benches of a High Court at such places in a State or a Union Territory, as it may deem necessary, on the basis of area and population of that State or Union Territory and the number of cases pending in the principal seat of the concerned High Court”.

STATEMENT OF OBJECTS AND REASONS

Our Constitution makes right to legal remedies a fundamental right. But the pendency of cases in various courts especially High Courts is a matter of serious concern. Considering the huge geographical expanse of our country and the prevailing poverty, seeking legal remedy has become an expensive exercise. Time has come to deliver justice in an easy, quick and cost effective manner to the people. Providing speedy justice at low cost is all the more important for the people who live in remote areas, far away from State capitals where principal seats of the most of the High Courts are located. Such a situation literally results in denial of justice to the poor persons who cannot afford to travel frequently to far off places in search of justice. The large volume of cases pending in the High Courts has resulted in delayed delivery of justice which amounts to denial of justice. Moreover, since most of the High Courts are located at State capitals, the advocates of a particular place create a monopoly for themselves charging exorbitant fees which are not within the means of poor persons and they are obliged to sell off their property in their quest of justice. If more benches of High Courts are established, it will serve many purposes including convenience and savings for the common man, less pendency of cases and speeds delivery of justice at low cost. This will help to mitigate the sufferings of the masses.

Hence this Bill.

DR. SANJAY SINH

FINANCIAL MEMORANDUM

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India for establishment of permanent benches of High Court in a State and Union Territory. It is likely that it will involve a recurring expenditure of about rupees five hundred crore per year and rupees one hundred crore as a non-recurring expenditure.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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CHAPTER V

THE HIGH COURTS IN THE STATES

214. There shall be a High Court for each State.

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RAJYA SABHA

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(Dr. Sanjay Singh, M.P.)