

Bill No. XXXV of 2010

THE CONSTITUTION (AMENDMENT) BILL, 2010

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further to amend the Constitution of India.

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

1. (1) This Act may be the Constitution (Amendment) Act, 2010.

Short title and commencement.

(2) It shall come into force with immediate effect.

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

Substitution of new article for article 130.

“130. (1) The Supreme Court shall sit in Delhi and shall have its benches at Mumbai, Chennai and Kolkata with such number of judges as the Chief Justice of India may, with the approval of the President, from time to time, appoint.

(2) The Chief Justice of India shall sit in Delhi.

10 (3) Each bench of the Supreme Court at Mumbai, Chennai and Kolkata shall exercise jurisdiction over such High Courts or territory as the Chief Justice of India shall, with the approval of the President, decide:

15 Provided that the seat of the Supreme Court in Delhi shall decide all the issues relating to Constitutional laws and reference made under article 143 and such other issues as may be decided by the Chief Justice of India in consultation with the President.”

STATEMENT OF OBJECTS AND REASONS

Preamble to the Constitution secures to the citizens of India justice — social, economical and political. Article 130 of the Constitution provides that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India with the approval of President, from time to time appoint. However, even after sixty years of the coming into force of the Constitution this enabling provision has not been used by the Chief Justice. There have been repeated demands from various quarters to have the benches of Supreme Court in other parts of the country but these demands have not found favour with the Government of the day. The Law Commission of India in its various reports has recommended for establishment of benches of the Supreme Court in other cities and the latest report (229th) in this regard has recommended four cassation benches for North region/zone in Delhi for South region/zone in Chennai/Hyderabad, for East region/Zone in Kolkata and for western region/zone in Mumbai to deal with orders/appeal arising out of particular region. It has also recommended a Constitutional Bench of Supreme Court in New Delhi which will look after matters of law and Constitution. The report also mentions that there are 55 countries in the world which are having constitutional court besides the highest court of appeal. The Department related Parliamentary Committee on Law and Justice and Personnel and Public Grievances in its several reports has also recommended for the benches of the Supreme Court in order to ensure speedy and inexpensive justice to the common man. On various fora arguments have been advanced that New Delhi being situated in one corner of the country causes a lot of hardships to the litigants to travel all the way down to Delhi from remote corners of the country along with their lawyers only to find that the hearing for the day has been adjourned. People come to Delhi for want of justice investing their hard earned money, stay in hotels, arrange for hefty fee for advocates and the whole amount goes in drain on adjournment of the case.

It is, therefore high time that benches of Supreme Court should be established in New Delhi, Mumbai, Chennai and Kolkata and the Bench at New Delhi may, in addition, also look after the constitutional matters.

Hence, this Bill.

KALRAJ MISHRA

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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130. Seat of Supreme Court.—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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(Shri Kalraj Mishra, M.P.)