

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 114

ANSWERED ON THURSDAY, THE 20.07.2023

Establishment of High Court and Supreme Court Benches

114. DR. SASMIT PATRA:

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

- (a) the details of any pending proposals or letters received regarding establishment of High Court and Supreme Court Benches in the country;
- (b) the details of action taken by Government in this regard so far;
- (c) the number of High Court Benches established since 2018 in the country;
and
- (d) the details of such Benches established along with their locations?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE
MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF
STATE IN THE MINISTRY OF CULTURE
(SHRI ARJUN RAM MEGHWAL)**

(a) to (b): High Court Benches are established in accordance with the recommendations made by the Jaswant Singh Commission and the judgment pronounced by the Apex Court in W.P. (C) No. 379 of 2000 after receipt of a complete proposal from the State Government conveying its approval to provide necessary expenditure and infrastructural facilities and also after receiving the consent of the Chief Justice of the concerned High Court who is required to

look after the day to day administration of the High Court. For the proposal to be complete it should also have the consent of the Governor of the concerned State.

Regarding establishment of Supreme Court Benches, 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 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 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.

At present there is no complete proposal pending with the Government for setting up of Bench(es) of any High Court and the Supreme Court.

(c) to (d): Since 2018, one Circuit Bench of the Calcutta High Court at Jalpaiguri has been established, on 07.02.2019.
