

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

**LOK SABHA
STARRED QUESTION NO. 35**

TO BE ANSWERED ON FRIDAY, THE 21.07.2023

Supreme Court Bench in Kerala

***35. SHRI HIBI EDEN:**

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

- (a) whether the Government is aware of the long-standing demand from the people and legal fraternity in Kerala for the establishment of a Bench of Supreme Court in Kochi;
- (b) if so, the details thereof;
- (c) whether the Government is considering to take any concrete steps to fulfil the legitimate aspirations of the people of Kerala by establishing the said Bench in Kochi in the Ernakulam district of Kerala;
- (d) if so, the details and the present status thereof; and
- (e) the time by which the necessary action is likely to be taken and implemented by the Government?

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 (e): A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (e) of Lok Sabha Starred Question No. *35 due for answer on 21.07.2023 regarding “Supreme Court Bench in Kerala”

(a) to (e): 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 Eleventh Law Commission in its 125th Report titled "The Supreme Court - A Fresh Look", submitted in 1988, reiterated the recommendations made by Tenth Law Commission in its 95th Report for splitting the Supreme Court into two namely (i) Constitutional Court at Delhi and (ii) Court of appeal or Federal Court sitting in North, South, East, West and Central India. 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 has informed that after consideration of the matter, the Full Court in its meeting held on 18thFebruary, 2010, found no justification for setting up of benches of the Supreme Court outside Delhi. The Chief Justice of India had earlier conveyed similar views in August 2007.

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.
