

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

**LOK SABHA**

**UNSTARRED QUESTION NO. 1445**

**TO BE ANSWERED ON FRIDAY, THE 28.07.2023**

**New Benches of Courts**

**1445. MS. DEBASREE CHAUDHURI:**

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

- (a) the details of new Benches of various courts established in the country during the last five years;
- (b) the proposals for the establishment of new Benches of these courts that are presently pending with Government; and
- (c) the process/procedure for establishing a new Bench for a court in India?

**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 (c): 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 125<sup>th</sup> Report titled “The Supreme Court - A Fresh Look”, submitted in 1988, reiterated the recommendations made by Tenth Law Commission in its 95<sup>th</sup> 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 229<sup>th</sup> 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 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.

One Circuit Bench of the Calcutta High Court at Jalpaiguri has been established on 07.02.2019.

High Court Benches are established in accordance with the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Apex Court in W.P.(C) No. 379 of 2000 and after due consideration of a complete proposal from the State Government which has to provide necessary expenditure & infrastructural facilities and the Chief Justice of the concerned High Court who is required to look after the day-to-day administration of the High Court. The complete proposal should also have the consent of the Governor of the concerned State.

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.

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