

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA
STARRED QUESTION NO. 231

TO BE ANSWERED ON WEDNESDAY, THE 10.03.2021

Law Commission Report

* 231 SHRI RAJMOHAN UNNITHAN:

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

- a) whether the Law Commission in its 125th report in the year 1988 reiterated its earlier recommendations for splitting the Supreme Court and also stated the difficulties faced by litigants from far off places in the matter of accessing justice before the Hon'ble Supreme Court and if so, the details thereof;
- b) whether the Law Commission in its 229th report has also recommended the restructuring of the Supreme Court by setting up a Constitution Bench at Delhi and Cassation Benches in Delhi, Chennai/Hyderabad, Kolkata and Mumbai and if so, the details thereof; and
- c) whether the Government is considering the recommendations of the Law Commission and if so, the details thereof?

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND
ELECTRONICS & INFORMATION TECHNOLOGY**

(SHRI RAVI SHANKAR PRASAD)

(a) to (c): A Statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (c) of Lok Sabha Starred Question No.* 231 due for answer on 10.03.2021 regarding “Law Commission Report”

(a) to (c): According to Article 130 of the Constitution, 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 Law Commission opined that this will reduce the distance travelled and the cost borne by the litigants. The recommendations of the Law Commission’s 95th and 125th Report are available on Law Commission of India website <https://lawcommissionofindia.nic.in/>.

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 recommendations of the Law Commission’s 229th Report is available on Law Commission of India website <https://lawcommissionofindia.nic.in/>.

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.
