

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

**LOK SABHA
UNSTARRED QUESTION NO.2570**

TO BE ANSWERED ON WEDNESDAY, THE 04.08.2021

Splitting of Supreme Court

2570. DR. G. RANJITH REDDY:

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

- (a) whether three Law Commissions (11th, 10th and 18th) have recommended for splitting of Supreme Court into Constitutional Court and Court of Appeal at Delhi and later one each in four parts of the country;
- (b) if so, the reasons for delay in implementing this recommendation;
- (c) the details of hurdles that the Ministry is facing and the manner in which it is planning to overcome them;
- (d) whether there have been demands and that 18th Law Commission has recommended setting up of a Southern Bench of Supreme Court at Hyderabad since it is centrally located; and
- (e) if so, the details of the action taken by the Government in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(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 Hon'ble Chief Justice of India may, with the approval of the Hon'ble 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 before the Supreme Court.
