



## REGIONAL BENCHES OF SUPREME COURT - GS II MAINS

**Q.** Regional Benches of the Supreme Court is a double-edged sword for India in the present federal context. Examine (10 marks, 150 words)

**News:** *Should India have regional benches of the Supreme Court?*

### What's in the news?

- Recently, the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice informed the Lok Sabha that the Law Ministry has accepted its recommendation to establish regional benches of the Supreme Court across India.
- However, it pointed out that the apex court has been “consistently” rejecting the idea and that the matter is sub judice.

### Differing Legal Perspectives on Supreme Court Regional Benches in India:

#### 1. Article 130 of the Indian Constitution:

- The Indian Constitution’s Article 130 designates Delhi as the primary seat for the Supreme Court, giving the Chief Justice of India the authority, with presidential approval, to select alternative locations.

#### 2. Law Commission Report (2009):

- The 229th Law Commission Report recommended establishing regional benches in Delhi, Chennai or Hyderabad, Kolkata, and Mumbai, focusing on non-constitutional matters to enhance accessibility.

#### 3. Bar Councils Representation (2021):

- Bar Councils from the south urged the Chief Justice of India to establish a Supreme Court bench in southern India, emphasizing regional representation.

#### 4. Parliament Standing Committee:

- The 107th report of the Parliament Standing Committee advocated for regional Supreme Court benches based on the Law Commission’s recommendations.

#### 5. Chief Justices of India’s Position:

- Historically, Chief Justices of India have been cautious about regional benches, expressing concerns about potential impact on the Supreme Court’s prestige.

### Significance of Regional Supreme Court Benches:

#### 1. Increased Accessibility:

- Regional benches address challenges faced by those residing in distant areas, providing easier access to justice.

#### 2. Enhanced Focus on Constitutional Matters:

- Specialization in constitutional matters at the primary bench allows regional benches to focus on appellate cases, fostering expertise.



### 3. Improved Judicial Effectiveness:

- Regional judges can better address local issues efficiently, ensuring more relevant and effective judgments.

### 4. Greater Opportunities:

- Establishing regional benches promotes legal infrastructure development, empowering local professionals and enhancing legal awareness.

### 5. Reduction in Pendency of Cases:

- Decentralizing Supreme Court workload through regional benches can expedite case resolution and reduce pending cases.

## Concerns of Regional Supreme Court Benches:

### 1. Fragmentation of Jurisprudence:

- Regional benches may lead to divergent legal interpretations, causing inconsistencies in judicial decisions across regions.

### 2. Increased Litigation:

- Concerns arise about potential frivolous or forum-shopping litigation seeking favorable outcomes from perceived sympathetic benches.

### 3. Potential Bias and Influence:

- Worries exist regarding regional biases or political influence impacting judicial decisions at regional benches.

### 4. Expenditure on Resources and Infrastructure:

- Establishing and maintaining regional benches requires significant financial resources and infrastructure investment.

## WAY FORWARD:

### 1. A Separation of Constitutional Jurisdiction Benches:

- Propose a Constitutional Division and a Legal Division for specialized focus, as suggested by the Tenth Law Commission of India.

### 2. National Court of Appeal for SLPs:

- Consider establishing a National Court of Appeal to handle special leave petitions, aligning with suggestions from past cases.

### 3. Increase Number of Working Days:

- Implement recommendations to increase working days and reduce vacation periods, as suggested by the Malimath Committee and the 2009 Law Commission.

### 4. Strengthen Existing Infrastructure:

- Prioritize modernizing and strengthening existing judicial infrastructure, including High Courts and district courts.

### 5. Conduct Feasibility Studies:

- Conduct thorough feasibility studies before establishing regional benches, considering legal, logistical, financial, and constitutional aspects.



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## 6. Exclusive Powers Retention:

- Retain exclusive powers of the Supreme Court, such as its original, advisory, and writ jurisdictions, even with regional bench implementation.

## 7. Broader Judicial Reforms:

- Undertake comprehensive judicial reforms addressing backlog, delayed justice, and vacancies, leveraging technology for efficiency.

Envision a judiciary that balances tradition and innovation, regional diversity and national unity, and accessibility with excellence, ensuring a justice system that serves all citizens effectively.

