



## Mains Practice Question

Q. Evaluate the need to create regional branches for the Supreme Court in India. (250 words)

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### Approach

- Start the answer with a discussion that sets a context for the question.
- Discuss the arguments in favor of regional benches of the Supreme Court
- Discuss the arguments against the regional benches of the Supreme Court.
- Conclude suitably.

### Introduction

Recently, the Law Ministry has endorsed the proposal to establish regional benches of the Supreme Court throughout India. Article 130 of the Indian Constitution says that the Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India (CJI) may, with the approval of the President, from time to time, appoint.

### Body

#### The arguments in favor of regional benches of the Supreme Court:

- **Increased Accessibility:** Regional benches would make justice more accessible to people living in remote areas or far from the capital. This would reduce the need for individuals to travel to Delhi for legal matters, particularly for those facing financial or logistical challenges.
- **Enhanced Focus on Constitutional Matters:** With the primary bench in New Delhi exclusively addressing constitutional issues, regional benches could specialize in handling appellate cases.
- **Improved Judicial Effectiveness:** Regional benches would be better positioned to address local issues and concerns that might not receive sufficient attention at the national level. Judges familiar with regional contexts could deliver more relevant and effective judgments.
- **Greater Opportunities:** Establishing regional benches could promote the development of legal infrastructure and expertise across different parts of the country, empower local legal professionals, and enhance legal awareness at the grassroots level.
- **Reduction in Pendency of Cases:** In 2023, the Supreme Court witnessed a 31% increase in the disposal of cases compared to 2022. A little more than 80,000 cases are currently pending adjudication, out of which 60,000 are civil.
  - By decentralizing the workload of the Supreme Court, regional benches could help ease the burden on the main bench in Delhi. This could lead to faster case resolution and a reduction in pending cases.

#### The Arguments Against the Regional Benches of the Supreme Court:

- **Fragmentation of Jurisprudence:** Regional benches may lead to divergent interpretations of laws and legal principles, resulting in inconsistencies in judicial decisions across different regions of the country.
- **Increased Litigation:** Regional benches could potentially increase frivolous or forum-shopping

litigation as litigants seek favorable outcomes from benches perceived to be more sympathetic to their cases.

- **Potential Bias and Influence:** There may be concerns about the potential for regional biases or political influence to impact judicial decisions at regional benches, particularly in areas where there are strong local interests or political pressures.
- **Increased Expenditure on Resources and Infrastructure:** Establishing and maintaining regional benches would require significant financial resources and investment in infrastructure, including court facilities and support staff. This could strain already limited judicial resources and budgets.

### Several measures can be considered as a way forward :

- **A Separation of Constitutional Jurisdiction Benches from Appellate Jurisdiction Benches:** The Tenth Law Commission of India proposed that the Supreme Court be split into two divisions: the Constitutional Division and the Legal Division. The proposal stated that only issues about constitutional law would be brought to the proposed Constitutional Division.
- **Establish a National Court of Appeal for Special Leave Petitions (SLPs):** In *Bihar Legal Support Society v. Chief Justice of India, 1986*, the Supreme Court stated that it was “desirable” to establish a National Court of Appeal that would be able to entertain special leave petitions.
- **Increase the Number of Working Days:** The Malimath Committee suggested that the Supreme Court should work for 206 days and it also recommended that the period of vacation should be reduced by 21 days, keeping in mind the long pendency of cases.
- **Strengthen Existing Infrastructure:** Prioritize strengthening and modernizing existing judicial infrastructure, including High Courts and district courts, to improve access to justice and reduce backlog of cases.
  - Former CJI NV Ramanna proposed to set up the National Judicial Infrastructure Authority of India (NJIAI) which will help improve judicial infrastructure which currently needs urgent attention.
- **Conduct Feasibility Studies:** Conduct thorough feasibility studies to assess the potential benefits, challenges, and implications of establishing regional benches. These studies should consider factors such as legal, logistical, financial, and constitutional aspects.
  - Consider implementing pilot projects or experimental regional benches in select locations to evaluate their effectiveness and impact on access to justice, judicial efficiency, and consistency of decisions.
- **Broader Judicial Reforms:** Undertake broader judicial reforms aimed at addressing systemic issues such as judicial backlog, delay in justice delivery, and judicial vacancies, which are crucial for improving the overall functioning of the legal system.
- **Use of Technology:** Explore the use of technology, such as video conferencing and virtual courtrooms, to enhance access to justice and facilitate remote adjudication of cases, especially in remote or underserved areas.

### Conclusion

In envisioning the future of India's judiciary, we must embrace a bold vision that balances tradition with innovation, regional diversity with national unity, and accessibility with excellence. The establishment of regional benches for the Supreme Court could signify a crucial advancement in realizing this vision.