

Bill No. XI of 2015

THE SUPREME COURT (ESTABLISHMENT OF A PERMANENT BENCH
AT KOLKATA) BILL, 2015

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BILL

*to provide for the establishment of a permanent bench of the
Supreme Court at Kolkata.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the The Supreme Court (Establishment of a Permanent Bench at Kolkata) Bill, 2015.

Short title,
extent &
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification
5 in the Official Gazette, appoint.

2. There shall be established a permanent bench of the Supreme Court at Kolkata with such number of Judges of the Supreme Court as the Chief Justice of India, till the National Judicial Appointments Commission comes into force, may with the approval of the President decide, to exercise jurisdiction in respect of cases arising in the States of West Bengal,
10 Odisha, Jharkhand, Bihar, Chhattisgarh, Sikkim, Meghalaya, Assam, Nagaland, Manipur, Mizoram, Arunachal Pradesh and Tripura and such other territory as may be notified by the Central Government with the approval of the Chief Justice:

Establishment
of a
permanent
Bench of
Supreme Court
at Kolkata.

Provided that the number of judges at the bench at Kolkata shall not be less than five.

STATEMENT OF OBJECTIVES AND REASONS

The pursuit of justice before law is a costly endeavour which has been made more expensive by chronic delays. The logistical problems encountered by appellants aggravate costs and further delays. Moreover, the appellants are already burdened and are further shunned to face the ordeal of having to travel thousands of kilometres to the seat of the Supreme Court in Delhi for their trial and the consequent follow up of their cases.

Moreover, the rate of pending court cases in the country has crossed the 3 crore mark, West Bengal itself has 3.5 lakh appellants awaiting justice. Figures on the chronic backlog of court cases are an indictment of the country's beleaguered legal system. The plight of persons awaiting trial needs to be understood and addressed. It is not just the wastage of time but also an increased financial burden that makes the process inconvenient, cumbersome and expensive.

Article 130 of the Constitution of India says 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 language of the article clearly indicates that there was an intension of the founding fathers of the Constitution to have more than one seat of the Supreme Court.

Hence, the Bill seeks to establish a permanent bench of the Supreme Court at Kolkata in West Bengal. Calcutta High Court is the oldest and geographically, Kolkata is a strategic location for a permanent bench as it is easily accessible for litigants of central, eastern, south-eastern and especially north-eastern States. This will provide for a robust mechanism to not only manage pendency of court cases but simultaneously makes the judicial procedure for justice appertune, public-friendly and efficient.

Hence, the Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be a permanent bench of the Supreme Court at Kolkata. The Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees ten crore per annum.

However, a non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

RAJYA SABHA

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(Shri Vivek Gupta, M.P.)