

# Need for Supreme Court branches: Bring justice within people's reach



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Topics of discussion may change frequently in the political arena. But a permanent and constant subject of discussion is the courts. The people are waiting for the court's final decision on many important issues including the rights and powers of the Governor. There is a popular adage, "Constitution is not what it is, it is what Judges say, it is."

**Final justice in Delhi only?**

Constitution protects our fundamental rights, guiding us in daily life. It is also a document for the education of justice. The views of Chief Justice of Supreme Court D. Y. Chandrachud are unique. There is a prevalent expectation that in terms of constitutional rights, Article 130 too must get the Supreme Court's keen attention. The Article 130 states, "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 Preamble itself says that the Constitution will "secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation".

Laws and administration of justice existed in our regions even before recorded history. There are records saying that when there was a doubt in the council whether Karikalan, who was a boy, would deliver justice in a case, Karikalan, who adjourned the inquiry, later came in the guise of an old man and hearing the case, delivered a verdict to the thundering applause from the gathering. The inscriptions of Rajarajan I, Kulothunga Cholan, Kulasekara Pandyan, Sadavarman Sundharapandyan and others bear testimony to such historic events.

The people living in the regions from Kanyakumari to Srinagar having a distance of 3,617 km and in the regions from Mumbai to Imphal having a distance of 3,030 km have to travel along thousands of kilometers to Delhi in order to get justice and establish their legal rights. This is the rule of law in practice. When will this situation be changed? This is the question doing the rounds in many quarters. The Law Commissions of India and even Parliamentary Standing Committees under the Ministry of Law and Justice continue to raise this question.

### **Need for Supreme Court branches**

The 11th Law Commission of India, in its 125th Report (1988), recommended the establishment of a Supreme Court branch in the southern region. In its 2nd, 6th, 15th, 20th, 26th and 28th reports, the Parliamentary Standing Committee under the Ministry of Law and Justice has recommended that Supreme Court branches should be set up in the northeastern, western and southern regions of the country so that the common people can get justice quickly.

The 18th Law Commission of India, in its 229th report, said that the limited number of judges was not the only reason for the backlog of cases in the Supreme Court and suggested that Supreme Court branches should be set up in the eastern, western and southern regions of the country.

These suggestions have not come like a bolt out of the blue. A study conducted 63 years after the Supreme Court was formed in Delhi listed the state-wise case records as follows: Delhi accounted for 12 per cent of reported cases, Punjab-Haryana 8.9 per cent, Uttar Pradesh 7 per cent, Himachal Pradesh 4 per cent, Tamil Nadu 1 per cent, Kerala 2.5 per cent, Karnataka 2.2 per cent, Andhra Pradesh 2.8 per cent, West Bengal 1.7 per cent, Assam 1.2 per cent and Gujarat 3.2 per cent.

But the Supreme Court is not prepared for such a division of labor. Justice P. Sathasivam from Tamil Nadu made this clear when he was a Supreme Court judge. Between 1950 and 2013, the bifurcation question was debated seven times in full sessions of the Supreme Court. The question was also discussed at the Chief Justices' conference.

However, these forums had not consented to the idea of setting up the Supreme Court branches. This situation prevailed in 1999, 2001, 2004, 2006 and 2010 and prevails even now.

With the proliferation of computers, laptops, electronic records and internet facilities, distance is hardly an issue, it was said at these meetings.

### **Justice towards the people**

A repartee can be made to the statement. When the above mentioned scientific facilities have increased and air transport and accommodation facilities have been toned up in many cities, why should the Supreme Court not move towards the people for the sake of their welfare. The weight of millions of people in the scales of justice is not less.

The Law Commission in its 229th Report pointed out yet another view. In 55 countries including Portugal and Egypt, the court has divided its work into constitutional and other appeals. Austria established the world's first independent constitutional court in 1920. Earlier, the British government had set up the Supreme Court in India at three

locations – namely, Mumbai, Kolkata and Chennai. After Independence, the Supreme Court was established in Delhi on 28.01.1950.

### **Let the change come**

The Supreme Court currently has 34 judges and 79,813 cases are pending. Out of 1,263 judgments issued in 2022, only four were related to the Constitution.

In one of the Constituent Assembly debates, Ayisbadrai Kapur asked Dr.B.R,Ambedkar if the Supreme Court branch could function at places other than Delhi. The latter replied in the affirmative. Article 124 of the Constitution gives the power in this regard to Parliament. However, these rules remain only on paper.

Article 130 allows the Supreme Court branches to come under the jurisdiction of the Chief Justice of the Supreme Court and the President. The Supreme Court Rules (1966) provide for this. Parliament too can use the Parliamentary Rule 124 appropriately.

Article 32(3) of the Constitution can be revived in case of delay in application of these provisions. According to this article, fundamental rights granted by the Constitution can be obtained through the lower courts functioning locally.

The total population of the eastern, western and southern regions of the country may touch 100 crore. Let a situation be created soon wherein the people can get justice without going out of their areas.

**Translated by V. Mariappan.**