

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2772
ANSWERED ON:09.08.2001
SETTING UP OF HIGH COURT BENCHES
BALRAM SINGH YADAV;SADASHIVRAO DADOBA MANDLIK

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) the norms followed for sanctioning of High Court Bench;
- (b) whether the Government have received proposals from the various State Governments for setting up of additional benches of High Courts in their States;
- (c) if so, the details thereof, State-wise; and
- (d) the action taken by the Government in this regard?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY): .

(a) In its report, the Jaswant Singh Commission suggested the broad principles and criteria to be followed while deciding the question of expediency and desirability of establishment of a Bench of a High Court away from the principal selecting seat and the factors to be kept in view in the venue of the said Bench. The report of the Commission was placed in the Parliament Library on 15.10.86 and was laid on the Table of the Rajya Sabha and Lok Sabha on 20.4.87 and 21.4.87 respectively, which may be referred to. The question of opening a High Court Bench is considered -by the Central- Government in the light of these principles and criteria as and when a proposal is received from the State Government in consultation with the Chief Justice of the concerned High Court.

Besides, the Supreme Court in its Judgement dated 24th July, 2000 on a writ petition filed by the Federation of Bar Associations in Karnataka for establishment of a permanent Bench of the Karnataka High Court at any suitable place in northern Karnataka observed that the High Court is the best suited machinery to decide whether it is necessary and feasible to have a bench, outside the principal seat of that High Court.

(b)(c) & (d): The setting up of a Bench of a High Court away from its principal seat is considered on the receipt of a complete proposal from the concerned State with the consent of the Chief Justice of that Government High Court. For setting Calcutta proposed Madurai and Jalpaiguri, buildings, The Government has received complete proposals up Benches of the Madras High Court and the High it is respectively. Accordingly, Court to establish a Bench of the Madras High Court at a Bench of Calcutta Court at High the after infrastructural facilities court like accommodation for Judges etc. are provided by the respective State Governments to the satisfaction of the High Court.