



Constitutional Bench Update:

V. Vasanthakumar v. HC Bhatia

**(Creation of Regional Benches
of the Supreme Court)**



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**Bench: CJI UU LALIT AND JUSTICES
DINESH MAHESHWARI, S. RAVINDRA
BHAT, BELA M. TRIVEDI AND JB
PARDIWALA**

**Case Admitted on:
January 15, 2016 | Admitted - February
26, 2016**

**Last Date of Hearing:
August 30, 2022**

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Background of the Case

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The petitioner had filed a PIL in 2016 before Supreme Court regarding creation of Regional Benches to hear the appeals pending before the Supreme Court.

15th March, 2016: Supreme Court referred the matter before the Three-Judges Bench.

13th July, 2016: Supreme Court in the case of *V. Vasanthakumar vs. H.C. Bhatia and Ors.*, *MANU/SC/0774/2016*, while referring the matter to the constitutional bench for an authoritative pronouncement, framed 11 substantial questions of law and observed that questions framed are important keeping in view the need for reforms which have been long felt.

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Issues under Consideration

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- With access to justice being a fundamental right, would the said right stand denied to litigants, due to the unduly long delay in the disposal of cases in the Supreme Court?
- Would the mere increase in the number of judges be an answer to the problem of undue delay in disposal of cases and to what extent would such increase be feasible?
- Would the division of the Supreme Court into a Constitutional wing and an appellate wing be an answer to the problem?

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- Would the fact that the Supreme Court of India is situated in the far North, in Delhi, rendering travel from the Southern states and some other states in India, unduly long and expensive, be a deterrent to real access to justice?
- Would the Supreme Court sitting in benches in different parts of India be an answer to the last mentioned problem?
- Has the Supreme Court of India been exercising jurisdiction as an ordinary court of appeal on facts and law, in regard to routine cases of every description?

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- Is the huge pendency of cases in the Supreme Court, caused by the Court not restricting its consideration, as in the case of the Apex Courts of other countries, to Constitutional issues, questions of national importance, differences of opinion between different High Courts, death sentence cases and matters entrusted to the Supreme Court by express provisions of the Constitution?

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- Is there a need for having Courts of Appeal, with exclusive jurisdiction to hear and finally decide the vast proportion of the routine cases, as well as Article 32 petitions now being decided by the Supreme Court of India, especially when a considerable proportion of the four million cases pending before the High Court may require review by a higher intermediate court, as these judgments of the High Courts may fail to satisfy the standards of justice and competence expected from a superior court?

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- If four regional Courts of Appeal are established, in the Northern, Southern, Eastern and Western regions of the Country, each manned by, say, fifteen judges, elevated or appointed to each Court by the Collegium, would this not satisfy the requirement of 'access to justice' to all litigants from every part of the country?
- As any such proposal would need an amendment to the Constitution, would the theory of 'basic structure' of the Constitution be violated, if in fact, such division of exclusive jurisdiction between the Supreme Court and the Courts of Appeal, enhances the efficacy of the justice delivery system without affecting the independence of the judicial wing of the State?

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- In view of cases pending in the Supreme Court of India on average for about 5 years, in the High Courts again for about 8 years, and anywhere between 5-10 years in the Trial Courts on the average, would it not be part of the responsibility and duty of the Supreme Court of India to examine through a Constitution Bench, the issue of divesting the Supreme Court of about 80% of the pendency of cases of a routine nature, to recommend to Government, its opinion on the proposal for establishing four Courts of Appeal, so that the Supreme Court with about 2500 cases a year instead of about 60000, may regain its true status as a Constitutional Court?
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