

Bill No. 48 of 2012

THE ESTABLISHMENT OF PERMANENT BENCHES OF HIGH
COURTS AT STATE CAPITALS BILL, 2012

By

DR. SHASHI THAROR, M.P.

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BILL

to provide for establishment of permanent Benches of the High Courts in State Capitals where the principal seat or a permanent Bench of the High Court concerned is situated at a place other than the State Capital and for matters connected therewith.

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

1. (1) This Act may be called the Establishment of Permanent Benches of High Courts at State Capitals Act, 2012.

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

Short title
and
commence-
ment.

Establishment
of a
permanent
Bench of the
High Court
concerned at
capital city of
every State.

2. (1) Notwithstanding anything contained in any other law for the time being in force, where the principal seat or a permanent Bench of the High Court of a State is situated at a place other than the State Capital, the President may, on recommendation of the State Government, by order, provide for the establishment of a permanent Bench of that High Court at the State Capital.

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(2) The number of Judges who will sit at the permanent Bench at the State Capital shall be such as the Chief Justice of the High Court of that State may from time to time nominate.

(3) The permanent Bench at the State Capital shall exercise the jurisdiction and power for the time being vested in the High Court of that State in respect of cases arising in the territories comprising of the State Capital and such other territories within that State as the President may by notification specify.

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STATEMENT OF OBJECTS AND REASONS

There have been constant demands from several quarters for establishing permanent Benches of High Courts at State Capitals where the principal seat of the High Court of a State is situated at a place other than the State Capital.

The principal seat of the Kerala High Court is at Ernakulam, which is situated at a distance of 200 kms. from the State Capital, Thiruvananthapuram. Ever since the formation of the State of Kerala in 1956, there has been a demand for the establishment of a permanent Bench at the State Capital.

It has been observed that the State is a principal litigant in a majority of cases pending in various High Courts. This had led to the State Governments incurring considerable expenditure on account of travelling allowance and leave allowance given to the Government employees for travelling from State Capitals to the places of principal seats of the High Courts concerned for depositions.

Moreover, it has been the policy of the successive Governments that justice should be taken to the doors of the litigants and therefore the litigants should not be compelled to go long distance to the Court. In the interest of administration of justice, the court must be easily accessible to the litigants and witnesses.

There is no provision for establishing a permanent Bench of High Court in State Capital in respect of existing States where the principal seat of that High Court exists at a place other than the State Capital. Therefore, it is necessary to enact a legislation providing for establishing a permanent Bench of a High Court of the State in the State Capital on the recommendation of the State Government concerned, where such seat does not exist or the principal seat of that High Court exists at a place other than the State Capital.

Hence this Bill.

NEW DELHI;
March 22, 2012.

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to provide for establishment of permanent Benches of the High Courts in State Capitals where the principal seat or a permanent Bench of the High Court concerned is situated at a place other than the State Capital and for matters connected therewith.

(Dr. Shashi Tharoor, M.P.)