

## **HIGH COURT BENCH IN WESTERN UTTAR PRADESH: IF NOT NOW, WHEN?**

The struggle of the people of Western Uttar Pradesh for a permanent bench of Allahabad High Court has been going on continuously since early 1950's when Late Chief Minister Dr. Sampurnanda in 1955 recommended creation of a permanent bench in Western UP to the Central Government. Successive state governments have since repeatedly recommended creation of a High Court bench in Western Uttar Pradesh.

Bench is proposed for the five divisions that comprise Western Uttar Pradesh (i.e. Meerut, Saharanpur, Moradabad, Agra, and Aligarh). These include the districts of Meerut, Bulandshahr, Ghaziabad, Gautam Budh Nagar, Baghpat, Hapur, Saharanpur, Muzaffarnagar, Shamli, Moradabad, Bijnor, Rampur, Amroha, Bahjoi, Agra, Firozabad, Mainpuri, Mathura, Dhaulpur, Aligarh, Etah, Hathras, and Kasganj district.

While the Constitution does not provide for any parameters to be considered for creation of permanent or circuit benches of High Courts, by convention and through reports of special committees several parameters have evolved since independence. Primary among such factors is the distance to the High Court. Justice Jaswant Singh Commission specifically recommended establishment of a bench in Western Uttar Pradesh in its report in 1985. Other reasons for establishment of a permanent bench of Allahabad High Court in Western Uttar Pradesh include:

**1. Highest pendency of cases** - Total number of cases pending in Allahabad High Court as on 30.9.2011 is 9,93,685, over twice as much as in High Court of Tamil Nadu with 4,69,348 cases. 3,56,707 cases are pending in Bombay High Court. Given that Madras High Court has a permanent bench at Madurai and Bombay High Court has permanent benches at Aurangabad and Nagpur, what can possibly justify only one permanent bench in Uttar Pradesh (at Lucknow)?

*(source: Court News, published by the Supreme Court, Volume 4, 2011)*

**2. Decentralisation of Allahabad High Court is the need of the hour** - Allahabad High Court is the largest High Court in the country with a sanctioned strength of 160 judges and highest vacancy of judges of all major High Courts at 47.5% (i.e. 76 vacancies). It takes years for matters to be listed in Allahabad High Court. It is therefore imperative that Allahabad High Court be immediately decentralized and a bench be established in Western Uttar Pradesh to share the immense work load.

*(Source: Department of Justice, Ministry of Law & Justice, Govt. of India)*

**3. Statistics show that High Court benches in other states are created for less than 10 judges.** It is pertinent to note that the Gwalior bench of Madhya Pradesh High Court has 6 judges; Indore bench of Madhya Pradesh High Court has 9 judges;

Aurangabad bench of Bombay High Court has 12 judges; Nagpur bench of Bombay High Court has 13 judges; Madurai bench of Madras High Court has 13 judges; Gulbarga bench of Karnataka High Court has 4 judges; Dharwad bench of Karnataka High Court has 6 judges; and Jaipur bench of Rajasthan High Court has 13 judges. Western Uttar Pradesh, which contributes to over 50% of the work load in Allahabad High Court ought to have a bench of its own since it requires around 10 judges worth of work to constitute a bench.

**4. Several other states have more than one bench but a far lower pendency of cases:** Maharashtra's principal bench is at Bombay and other permanent benches are at Nagpur and Aurangabad. Number of cases pending in Maharashtra is 3,56,707 (number of cases pending in Uttar Pradesh is 993,685).

West Bengal's principal bench is at Kolkata and other benches are at Port Blair and Jalpaiguri. Number of cases pending in West Bengal is 3,43,398 (number of cases pending in Uttar Pradesh is 993,685).

Karnataka's principal bench is at Bangalore and other additional benches are at Dharwad and Gulbarga. Number of cases pending in Karnataka is 1,66,887 (number of cases pending in Uttar Pradesh is 993,685).

Madhya Pradesh's principal bench is at Jabalpur and other benches are at Indore and Gwalior. Number of cases pending in Madhya Pradesh is 2,32,967 (number of cases pending in Uttar Pradesh is 993,685).

**5. Absence of a permanent bench in Western Uttar Pradesh is denial of access of justice to the litigants of Western Uttar Pradesh.** A long line of judgments of the Supreme Court has held that access to justice is a fundamental right of all citizens. Litigants in Western Uttar Pradesh have to travel over 600 kms to Allahabad and engage new lawyers in order to file appeals. They often take over night trains, stay in hotels in Allahabad and engage new lawyers with whom they may have no relations or may have never worked with. An adjournment becomes prohibitive. These are additional costs imposed on the litigants from Western Uttar Pradesh and all these costs taken together restrict the access to justice to the litigants from Western Uttar Pradesh. Shockingly, eight other High Courts are closer to litigants of Western High Court than their own High Court in Allahabad. These High Courts are:

- High Court at Delhi;
- High Court at Shimla;
- High Court at Chandigarh;
- High Court at Nainital;
- High Court at Jammu;
- High Court (permanent bench) at Jaipur;
- High Court (permanent bench) at Gwalior; and

- Even the High Court at Lahore in Pakistan is closer to Western Uttar Pradesh than Allahabad.

**6. Law Commission has recommended creation of benches.** -The 18th Law Commission in its 230th Report expressly stated that “It is also necessary that the work of the High Courts is decentralized, that is, more Benches are established in all States. If there is manifold increase in the strength of the judges and the staff, all cannot be housed in one campus. Therefore, the establishment of new Benches is necessary. It is also in the interest of the litigants. The Benches should be so established that a litigant is not required to travel long... Sometimes, some advocates object to creation of new Benches and selection of new sites for construction of new buildings. But they raise objections in their personal, limited interest. Creation of new Benches is certainly beneficial for the litigants and the lawyers and a beginning has to be made somewhere. A speedy trial is not only required to give quick justice but it is also an integral part of the fundamental right of life, personal liberty, as envisaged in article 21 of the Constitution.”

**7. Population of Western Uttar Pradesh is over six crores - States with lower population have separate benches of High Court.**

Rajasthan with a population of 6.8 crores has a principal bench at Jodhpur and a permanent bench at Jaipur;

Karnataka with a population of 6.1 crores has a principal bench at Bangalore and two benches at Dharwad and Gulbarga;

Assam, Meghalaya, Sikkim, Manipur etc each has population of less than 1 crore but have their own High Court; and

Even Andaman & Nicobar Islands have their own circuit bench of the High Court although their population is just 379,994 people.

*(source: census 2011)*

*Note prepared by Lawyers for High Court Bench in Western Uttar Pradesh. We are a group of lawyers supporting the demand for establishment of a permanent bench of Allahabad High Court at any location in Western Uttar Pradesh. Feel free to contact Dr. Sandeep Singh, Advocate on 98106 33726 or Mr. Ajit Sharma, Advocate on 99109 40004. We seek your support, wishes and suggestions. Please join us. Join us also on Facebook Groups for updates– “Lawyers for High Court Bench in Western Uttar Pradesh”*