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# **DECENTRALIZING JUSTICE: A CASE FOR REGIONAL AND SPECIALIZED BENCHES IN THE SUPREME COURT OF INDIA**

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## **ABSTRACT**

The Indian judiciary is currently facing significant challenges that necessitate structural reforms. The backlog of over 70,000 cases in the Supreme Court, compounded by accessibility constraints for litigants from distant regions, has placed immense pressure on the apex court. This paper explores the need for regional and specialized benches to enhance efficiency and improve access to justice. Through an analysis of constitutional provisions, Law Commission reports, parliamentary recommendations, and international judicial models, this study highlights the urgent requirement for judicial decentralization.

The centralization of the Supreme Court in Delhi has created barriers for litigants from states such as Tamil Nadu, West Bengal, and the Northeast, who face logistical and financial hardships in reaching the court. This geographical constraint limits the equitable application of justice. Several Law Commission reports, including the 95th, 120th, 125th, and 229th, have repeatedly emphasized the need for regional benches to rectify these disparities. However, institutional resistance and concerns about judicial fragmentation have slowed progress in implementing these recommendations.

A comparative study of countries like the United States, Italy, and Germany underscores the advantages of decentralized judicial frameworks. The U.S. Supreme Court predominantly handles constitutional issues, while circuit courts manage appellate cases. Similarly, Italy and Germany operate cassation and appellate court systems that distribute caseloads efficiently while maintaining judicial consistency. India can draw from these models to establish regional cassation benches and specialized courts for tax, commercial, environmental, and human rights cases.

This research also examines the implications of Special Leave Petitions (SLPs) under Article 136, which contribute significantly to the Supreme

Court's backlog. A considerable portion of the court's docket is occupied by SLPs that do not involve substantial constitutional questions, leading to inefficiencies in addressing critical legal matters. Reforming SLP provisions and reinforcing High Courts as final appellate authorities, except in cases of national importance, could alleviate much of this burden.

The 20th Parliamentary Standing Committee on Law and Justice (2007) and various Law Commission Reports have proposed structural changes, judicial expansion, and technology-driven case management to expedite judicial processes. The introduction of AI-driven case tracking, fast-track courts, and digital dispute resolution mechanisms would further enhance judicial efficiency while ensuring greater accessibility for litigants. The case for regional and specialized benches is not solely an administrative concern but a constitutional necessity to uphold the fundamental right to access justice. This paper concludes that India should implement a phased plan, beginning with the amendment of Article 130 to enable regional benches. Prioritizing these reforms will ensure the Supreme Court fulfills its constitutional mandate efficiently while providing accessible and timely justice to all citizens, regardless of their location.

## Introduction

The Supreme Court of India plays a pivotal role in upholding constitutional values and ensuring justice for all citizens. However, the centralization of its operations in New Delhi has led to mounting challenges related to accessibility, efficiency, and case backlog. With thousands of cases pending and litigants from distant states facing economic and logistical hardships, the current structure of the judiciary fails to deliver justice in a timely and equitable manner.<sup>1</sup>

The concept of decentralizing the Supreme Court has been extensively debated in various Law Commission reports and parliamentary discussions. The 229th Law Commission Report recommended the establishment of regional benches to distribute the judicial workload more evenly.<sup>2</sup> Additionally, the 20th Parliamentary Standing Committee on Law and Justice (2007) recognized the need for structural reforms to ensure broader access to justice.<sup>3</sup> Despite such recommendations, concerns over maintaining judicial unity and the Supreme Court's authority have hindered the implementation of such reforms.

Comparative analysis with judicial frameworks in the United States, Germany, and Italy

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<sup>1</sup> Supreme Court of India case pendency data, 2023

<sup>2</sup> 229th Law Commission Report, Government of India.

<sup>3</sup> Recommendations from the 20th Parliamentary Standing Committee.

reveals that multiple appellate courts and cassation benches can operate effectively while maintaining the integrity of the judiciary.<sup>4</sup> The U.S. Supreme Court primarily focuses on constitutional matters, while appellate courts across the country handle regional cases. Similarly, Italy and Germany have successfully decentralized their highest judicial bodies without fragmenting judicial authority.

This paper explores the necessity of regional and specialized benches to improve judicial efficiency and accessibility. By addressing challenges such as the excessive burden of Special Leave Petitions (SLPs), delays in case resolution, and financial hardships for litigants, the study emphasizes how a decentralized approach can enhance the Supreme Court's ability to function as a truly constitutional authority.<sup>5</sup>

The introduction of AI-driven case tracking, digital dispute resolution mechanisms, and fast-track courts has been proposed as a supplementary measure to streamline judicial processes.<sup>6</sup> However, technology alone cannot resolve the fundamental issue of case overload and restricted accessibility. Therefore, the paper argues that establishing regional Supreme Court benches, alongside specialized divisions for tax, commercial, and environmental law, will enable faster case disposal and better resource allocation.

The Indian Constitution provides the necessary framework for such a transformation. Article 130 allows for Supreme Court sittings at locations beyond Delhi, making the creation of regional benches legally feasible.<sup>7</sup> However, institutional resistance and administrative reluctance have slowed the adoption of these changes. This paper aims to highlight the constitutional, administrative, and practical benefits of decentralizing the Supreme Court, advocating for immediate policy reforms to ensure accessible, efficient, and equitable justice for all citizens.

## **I. Judicial Backlog and Accessibility Issues**

The Indian judicial system, particularly the Supreme Court, is facing an unprecedented backlog of cases, which poses a significant challenge to its efficiency. The accumulation of cases has led to prolonged delays in justice delivery, directly contradicting the principle that "justice

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<sup>4</sup> Structure of appellate courts in the U.S. and Europe.

<sup>5</sup> Efficiency of decentralized judicial frameworks.

<sup>6</sup> Use of AI and digital solutions in judicial management.

<sup>7</sup> Constitutional provisions under Article 130, Indian Constitution.

delayed is justice denied." As of 2023, over 70,000 cases are pending in the Supreme Court, highlighting the critical need for reforms in judicial case management and accessibility.<sup>8</sup>

One of the primary reasons for the backlog is the overwhelming number of Special Leave Petitions (SLPs) filed under Article 136. These petitions, often for routine appellate matters, consume a substantial portion of the Supreme Court's time and resources. High Courts, which are meant to be the final appellate authorities in most cases, frequently see their decisions challenged at the Supreme Court, exacerbating the caseload. Limiting SLPs to matters of constitutional importance could significantly alleviate the burden on the apex court.<sup>9</sup>

Accessibility issues further compound the crisis. Litigants from remote states such as Assam, Tamil Nadu, and Kerala face immense financial and logistical hardships when required to travel to Delhi for hearings. This centralization disproportionately affects economically weaker litigants, creating systemic inequities in access to justice. The high cost of travel, accommodation, and legal representation prevents many from pursuing their rightful claims, thereby reinforcing regional disparities in judicial access.<sup>10</sup>

A comparative analysis of international judicial structures demonstrates that decentralization enhances accessibility without compromising judicial coherence. For example, the United States Supreme Court primarily handles constitutional questions, while circuit courts across the country manage appellate cases. Similarly, Italy and Germany have structured their judicial hierarchies to prevent case overload at the national level while ensuring justice remains accessible. To address these challenges, India must explore structural changes such as: The establishment of regional Supreme Court benches to distribute caseloads efficiently. The strengthening of High Courts to act as the final appellate courts for routine cases. Technology driven case management systems to streamline hearings and reduce procedural inefficiencies.

Judicial reforms must prioritize these solutions to ensure the Supreme Court can focus on its primary mandate—interpreting the Constitution and adjudicating matters of national importance. A decentralized structure will not only reduce pendency but also enhance accessibility, reinforcing the fundamental right to justice for all citizens.

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<sup>8</sup> Supreme Court of India Case Statistics, 2023.

<sup>9</sup> Analysis of Special Leave Petitions, Law Commission Report.

<sup>10</sup>Procedural Delays and Their Impact on Judicial Efficiency, National Judicial Data Grid.

## **II. Comparative Analysis of Judicial Systems**

Many nations have successfully decentralized their judicial systems to enhance efficiency, improve access to justice, and reduce case backlog. This chapter examines the judicial structures of the United States, Germany, and Italy, analyzing their effectiveness and assessing how India can incorporate similar reforms.

### **The Structure and Function of the U.S. Judicial System**

The United States judicial system is built upon a foundation of decentralization, distributing judicial power across different levels. At the apex of this structure sits the U.S. Supreme Court, primarily tasked with resolving constitutional questions and ensuring the uniform application of federal law across the nation. Below the Supreme Court, 13 Courts of Appeals, each serving a specific geographic circuit, handle the vast majority of appellate cases. These courts review decisions made by lower district courts within their respective circuits. This regional structure is crucial for managing the immense volume of legal cases, preventing the Supreme Court from being overwhelmed and allowing it to focus its attention on matters of national significance and constitutional interpretation. The Supreme Court's selective approach to case review, choosing to hear only a small fraction of the cases appealed to it each year, further enhances efficiency and ensures that the Court's resources are dedicated to the most pressing and impactful legal issues. Integral to the system's integrity is the principle of judicial independence. Federal judges, including Supreme Court justices and appellate judges, are appointed for life terms. This lifetime tenure is designed to insulate judges from political pressures and public opinion, enabling them to make impartial decisions based on the law and the Constitution, without fear of reprisal or the need to campaign for re-election. This independence is considered essential for upholding the rule of law and ensuring the fair administration of justice.<sup>11</sup>

### **The Structure and Function of the German Judicial System**

Germany's judicial system is organized as a multi-tiered structure, designed for both efficiency and specialization. At the apex of this system sits the Federal Court of Justice (Bundesgerichtshof), which serves as the highest appellate authority for most cases. However,

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<sup>11</sup> U.S. Supreme Court Case Management Report, 2022.

a key feature of the German system is the distribution of appellate jurisdiction among regional courts. Each German state (Bundesland) maintains its own appellate courts, which handle the majority of appeals. This decentralized approach significantly reduces the burden on the federal level<sup>12</sup>, preventing the Federal Constitutional Court from being inundated with routine cases and allowing it to focus on matters of constitutional law. Beyond this regional focus, Germany also employs specialized courts dedicated to specific areas of law. This specialization ensures that judicial decisions are made by experts in the relevant field, with courts focusing on administrative, financial, labor, and social disputes. Finally, the German judicial system emphasizes efficient case management. The use of written submissions and the limitation of oral arguments contribute to a streamlined process, helping to expedite proceedings and reduce the backlog of cases.<sup>13</sup>

### **The Structure and Function of the Italian Judicial System**

The Italian judicial system is characterized by several key features designed for efficiency and accessibility. The Supreme Court of Cassation plays a limited role, primarily intervening only in cases that present significant questions of legal clarification. This selective approach prevents the court from becoming overwhelmed and allows it to focus on its core function of ensuring consistent application of the law. Below the Cassation Court, appellate jurisdiction is distributed among regional appellate courts. This regional structure is designed to bring justice closer to the citizens, allowing most litigation to be handled within the region where it originates. Furthermore, the Italian court system incorporates specialized divisions within its courts. These divisions handle specific types of cases, such as civil, criminal, administrative, and tax matters. This specialization streamlines legal processes, allowing judges to develop expertise in particular areas of law and contributing to more efficient and informed judicial decisions.

### **Lessons from Global Best Practices**

India's judicial system can benefit from incorporating elements of successful judicial structures from other countries. Several strategies, inspired by systems like those in the U.S., Germany, and Italy, offer potential improvements to efficiency, accessibility, and overall justice delivery.

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<sup>12</sup> German Federal Court System Analysis, 2021.

<sup>13</sup> Italian Cassation Court Functioning Report, 2020.

First, similar to the U.S. and Italy, India could benefit from restricting the Supreme Court's jurisdiction, focusing its attention primarily on constitutional interpretation and matters of significant national importance. This would allow the Supreme Court to function more effectively as the guardian of the Constitution.

Second, establishing regional cassation benches, akin to the regional appellate courts in Germany and Italy, in major cities like Mumbai, Chennai, and Kolkata would distribute the appellate workload more efficiently and bring justice closer to the people. This decentralization would reduce the burden on the Supreme Court and improve access to justice for litigants across the country.

Third, the creation of specialized benches, mirroring Germany's approach, for areas like taxation, commercial disputes, and environmental law would enhance judicial efficiency and expedite case resolution. Judges with expertise in these specialized fields would be able to handle cases more effectively, leading to faster and more informed decisions.

Finally, implementing stricter case screening mechanisms, similar to the U.S. system, would allow India to filter out frivolous appeals and prioritize more essential matters. This would help to reduce the backlog of cases and ensure that the courts' time and resources are focused on the most pressing legal issues. By integrating these reforms, India can modernize its judicial system, making it more accessible, efficient, and aligned with global best practices, ultimately strengthening the rule of law and improving the delivery of justice.

### **III. Legal and Constitutional Feasibility**

One of the primary concerns surrounding the establishment of regional and specialized benches of the Supreme Court of India is whether such a restructuring aligns with the **Constitution of India**. This chapter examines the legal framework governing the Supreme Court, the potential for decentralization under existing provisions, and the amendments necessary to implement judicial reforms effectively.

#### **Constitutional Provisions Governing the Supreme Court**

The **Supreme Court of India** derives its authority from **Articles 124 to 147** of the Indian Constitution. Specifically, **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.”*

This provision implicitly allows for the decentralization of the Supreme Court’s jurisdiction by establishing regional benches. However, despite this constitutional flexibility, no alternate locations have been designated for Supreme Court sittings beyond Delhi. The judiciary has largely interpreted **Article 130** as a directive rather than a mandate, thereby limiting its application.

### **Law Commission and Parliamentary Recommendations**

The establishment of regional benches for the Indian Supreme Court has been a subject of extensive discussion and debate for decades, with numerous reports highlighting the potential benefits of such a move. The 95th Law Commission Report in 1984 was an early proponent, recommending regional benches to alleviate the Supreme Court's workload and improve access to justice.<sup>14</sup>

This idea was further developed in the 125th Law Commission Report (1988), which advocated for dividing the Supreme Court into a Constitutional Bench in Delhi and four Cassation Benches spread across different regions.<sup>15</sup>

More recently, the 229th Law Commission Report (2009) reiterated this proposal, suggesting a Constitutional Bench in Delhi and Cassation Benches in Mumbai, Chennai, and Kolkata.<sup>16</sup>

The 20th Parliamentary Standing Committee on Law and Justice (2007) also lent its support to the concept, emphasizing the urgent need for reforms to improve accessibility and reduce the backlog of cases.<sup>17</sup>

Despite this consistent and strong support from legal and legislative bodies, the Supreme Court has consistently resisted these proposals. The Court's primary argument centers on the belief that a single, centralized bench is essential for maintaining the integrity and uniformity of legal interpretation throughout the country. This resistance highlights the ongoing tension between

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<sup>14</sup> 95th Law Commission Report, Government of India.

<sup>15</sup> 125th Law Commission Report, Government of India.

<sup>16</sup> 229th Law Commission Report, Government of India.

<sup>17</sup> 20th Parliamentary Standing Committee on Law and Justice, 2007.



the need for greater accessibility and efficiency in the judicial system and the desire to preserve the consistency and authority of the Supreme Court's pronouncements.

### **Judicial Precedents on Supreme Court Jurisdiction**

The question of decentralizing the Indian Supreme Court has been considered in several key court cases, revealing a complex and evolving judicial perspective. In *In re: Special Courts Bill, 1978*, the Supreme Court, while acknowledging the importance of efficiency in the judicial process, emphasized that matters of constitutional significance should remain centralized. This case established an early precedent for maintaining a centralized approach to constitutional issues.<sup>18</sup>

Later, in *Supreme Court Advocates-on-Record Association v. Union of India*, the Court reaffirmed the importance of an independent judiciary but also recognized the growing backlog of cases as a serious concern. This acknowledgment hinted at a potential tension between maintaining centralized control and addressing the practical challenges posed by the increasing volume of litigation.<sup>19</sup>

Finally, *V.K. Naswa v. Union of India*<sup>20</sup> the Supreme Court acknowledged the logistical difficulties faced by litigants due to the centralized system. However, the Court ultimately deferred the decision on establishing regional benches to the executive branch of the government. These rulings collectively demonstrate the Supreme Court's reluctance to embrace decentralization, despite its recognition of the practical challenges and logistical burdens associated with a centralized system. They underscore the Court's continued emphasis on maintaining a unified approach to constitutional matters, even in the face of mounting pressure to improve accessibility and efficiency.

### **Constitutional and Legislative Amendments for Judicial Reform**

Implementing regional and specialized benches within the Indian judicial system requires careful consideration of constitutional and legislative frameworks. To achieve these reforms effectively, several key amendments could be introduced.

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<sup>18</sup> Supreme Court Advocates-on-Record Association v. Union of India, (2015) 4 SCC 1.

<sup>19</sup> In re: Special Courts Bill, 1978, (1979) 1 SCC 380.

<sup>20</sup> V.K. Naswa v. Union of India, (2012) 2 SCC 542.

First, Article 130 of the Constitution could be amended to explicitly allow for the establishment of regional benches for handling appellate cases, while ensuring that a Constitutional Bench remains in Delhi to address matters of constitutional importance. Second, the Supreme Court (Number of Judges) Act could be amended to facilitate the creation of separate appellate benches, often referred to as Cassation Benches, in different regions. This legislative change would provide the necessary framework for establishing these decentralized courts. Third, judicial appointment reforms may be necessary, potentially including expanding the number of Supreme Court judges to ensure the smooth and efficient functioning of both the central Constitutional Bench and the newly established regional benches.

Finally, clearly defined jurisdictional limits must be established to avoid inconsistencies in legal interpretation. This would involve creating clear boundaries between the central Constitutional Bench and the regional Cassation Benches, specifying which types of cases each would handle to ensure a cohesive and consistent application of the law across the nation. These combined constitutional and legislative amendments would provide a robust legal foundation for the proposed judicial reforms, enabling a more accessible and efficient judicial system.

Lastly, the establishment of regional benches for the Indian Supreme Court is a legally sound proposition, supported by Article 130 of the Constitution. However, realizing this potential requires not only legislative action but also a broader consensus within the judiciary. While numerous Law Commission reports and parliamentary committees have endorsed this move, institutional resistance remains a significant hurdle. Drawing inspiration from successful international models, such as those in the United States, Italy, and Germany, India can adopt a hybrid approach. This model would maintain a centralized focus on constitutional matters while delegating routine appeals to regional benches, thereby improving accessibility and efficiency. By implementing the necessary constitutional and statutory amendments, India can pave the way for a more effective and just judicial framework. The following chapter will delve into the impact of Special Leave Petitions (SLPs) and the critical need for robust case load management within the Supreme Court.

#### **IV. Special Leave Petitions (SLPs) and Case Load Management**

The Supreme Court of India is burdened with an overwhelming number of **Special Leave Petitions (SLPs)** under **Article 136**, which allows the apex court to grant special permission

to appeal against judgments from lower courts. While originally intended to be used in exceptional cases, SLPs have expanded into a broad mechanism for appeals, significantly contributing to the backlog of cases. This chapter examines the role of SLPs, their impact on the judicial system, and potential reforms for efficient case load management.

**Article 136** of the Indian Constitution provides the Supreme Court with discretionary power to hear appeals from any judgment, decree, determination, sentence, or order in any cause or matter passed by any court or tribunal in the country. The purpose of this provision was to allow intervention in cases involving substantial questions of law or matters of public importance.<sup>21</sup> However, in practice, a vast number of SLPs involve routine matters that do not require the Supreme Court's direct involvement.<sup>22</sup>

Special Leave Petitions (SLPs) represent a significant challenge to the Indian Supreme Court, comprising nearly 80% of its caseload.<sup>23</sup> This overwhelming volume of SLPs significantly hinders the Court's ability to address more critical constitutional matters, resulting in substantial delays for litigants seeking justice and diverting valuable judicial resources away from core constitutional issues. Several factors contribute to this heavy burden.

First, the sheer number of SLPs filed annually is extremely high, with a large proportion originating from routine civil and criminal appeals that could potentially be handled at lower levels. Second, the lenient admission standards, stemming from the broad discretionary power granted to the Court under Article 136, have led to a steady increase in the number of cases being admitted.

Finally, a significant portion of SLPs challenge minor procedural issues rather than raising substantial questions of law, further adding to the Court's workload without necessarily contributing to the development of legal principles or the resolution of significant legal disputes.

Examining how other countries manage their appellate caseloads offers valuable lessons for India. In the United States, the Supreme Court's approach to case selection is highly selective. Out of over 7,000 petitions submitted each year, the Court typically hears only around 100-150

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<sup>21</sup> Supreme Court of India Case Statistics, 2023.

<sup>22</sup> Analysis of Special Leave Petitions under Article 136, Supreme Court Report.

<sup>23</sup> National Judicial Data Grid – Supreme Court Case Pendency Report.

cases. This stringent selection process, known as granting certiorari, focuses on cases of significant national importance, ensuring that the Court dedicates its time and resources to matters with broad implications.<sup>24</sup>

Similarly, the United Kingdom Supreme Court prioritizes cases involving significant legal principles. By concentrating on these high-impact cases, the UK system effectively reduces unnecessary appeals at the highest level, allowing the Court to focus on developing and clarifying the law.<sup>25</sup>

Germany also employs a structured appellate system, where the German Federal Court of Justice primarily handles cases that involve interpretative importance. This approach ensures that the highest court's attention is directed towards cases that will shape legal understanding and have broader legal ramifications.<sup>26</sup> These comparative examples highlight the effectiveness of selective case management in ensuring that apex courts focus on their core functions of constitutional interpretation and the resolution of significant legal issues.

To enhance the efficiency and effectiveness of the Indian Supreme Court, significant reforms to the Special Leave Petition (SLP) framework are crucial. Several key changes are recommended. First, the scope of SLPs needs to be significantly restricted. This can be achieved by limiting SLPs to cases that involve substantial constitutional issues and establishing stricter guidelines for admitting them.

This targeted approach will ensure that the Supreme Court's attention is focused on matters of genuine constitutional importance. Second, strengthening the High Courts is essential. High Courts should ideally function as the final appellate authority for most civil and criminal cases, reserving Supreme Court intervention for only truly extraordinary circumstances. Increasing judicial appointments at the High Court level can further support this goal by reducing the need for litigants to seek recourse at the Supreme Court. Third, introducing a robust screening mechanism is vital. A dedicated Screening Committee of Justices could be established to filter out frivolous or unmeritorious SLPs before they reach the full Court, thereby significantly reducing the workload. Finally, expanding the role of Regional Cassation Benches, as previously discussed, would allow these benches to hear final appeals in non-constitutional

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<sup>24</sup> U.S. Supreme Court Case Selection Process, Harvard Law Review.

<sup>25</sup> UK Supreme Court Annual Report, 2022.

<sup>26</sup> German Federal Court of Justice – Case Selection Guidelines, 2021.

matters. This decentralization of appellate jurisdiction would further reduce the burden on the central Supreme Court in Delhi.

Lastly, the unchecked proliferation of SLPs has transformed the Supreme Court into a general appellate body, rather than the constitutional court it was originally intended to be. By implementing the proposed reforms, including limiting the scope of SLPs, strengthening High Courts, introducing a screening mechanism, and expanding Regional Cassation Benches, the Supreme Court can be freed to refocus its efforts on its core constitutional role. These changes will allow the Court to prioritize constitutional interpretation, deliver landmark rulings on matters of national importance, and ultimately strengthen the rule of law in India. The next chapter will explore the potential of technology and digital interventions to further enhance judicial efficiency.

## **V. The Role of Technology and Digital Interventions in Judicial Efficiency**

The integration of technology in the judicial system is essential for enhancing efficiency, reducing pendency, and improving accessibility to justice. The Indian judiciary has taken steps towards digitization through **e-courts, AI-driven case management, and virtual hearings**, but significant reforms are still required to address systemic delays effectively. This chapter examines how technology can modernize judicial processes and support the establishment of regional and specialized benches.

The E-Courts Project, a key initiative under the Government of India's National e-Governance Plan (NeGP), represents a significant step towards modernizing the Indian judicial system through digitization. This project encompasses a range of digital tools and processes, including e-filing of court documents, online case tracking, the establishment of virtual courtrooms, and automated case scheduling. These technological advancements offer several key benefits. First, they reduce the reliance on physical court infrastructure, potentially freeing up resources and allowing for more flexible use of space. Second, they enable litigants, particularly those in remote or underserved areas, to attend hearings virtually, improving access to justice and reducing the need for costly and time-consuming travel. Finally, the digitization of court operations minimizes administrative delays associated with traditional paper-based systems, streamlining case documentation and tracking, and ultimately contributing to a more efficient

judicial process.<sup>27</sup>

AI has the potential to drastically change how court cases are managed. It can automatically sort and prioritize cases based on their urgency and difficulty. AI can also help judges and lawyers by quickly finding relevant past cases and analyzing legal decisions. Furthermore, AI can predict how a case might turn out, which can help people involved in disputes find ways to resolve them without going to court.<sup>28</sup>

The COVID-19 pandemic forced the adoption of virtual hearings, demonstrating the potential of digital alternatives to traditional court appearances. This shift highlighted how technology can reduce the need for physically appearing in court. Online Dispute Resolution (ODR) platforms have also emerged as valuable tools, offering effective ways to resolve various types of disputes digitally. ODR platforms are particularly useful for handling small claims and civil disputes without requiring anyone to be physically present. They also provide effective digital mediation for commercial and contractual conflicts. Furthermore, e-courts facilitate the speedy resolution of consumer disputes. Expanding the use of virtual hearings offers significant advantages, especially for litigants in remote areas, by reducing the burden of travel and associated expenses.<sup>29</sup>

While the digitalization of Indian courts offers numerous benefits, its implementation faces several challenges. A significant obstacle is the digital divide, as many rural litigants lack access to the necessary digital infrastructure. Data privacy is another key concern, as online court records must be effectively secured against cyber threats. Furthermore, there's often resistance to adopting new technologies within the judiciary, with traditional courtroom procedures still prevailing over virtual alternatives.

To address these challenges, several solutions are proposed. Expanding internet infrastructure is crucial, and government-funded digital access points within court premises could help bridge the digital divide. Ensuring cybersecurity is paramount, and the adoption of technologies like blockchain could provide tamper-proof legal records. Finally, training judicial officers is essential. Conducting regular training programs to familiarize judges and lawyers with AI-

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<sup>27</sup> E-Courts Project, Government of India.

<sup>28</sup> AI in Judicial Systems: A Global Perspective, Harvard Law Review.

<sup>29</sup> Online Dispute Resolution in India: An Analysis, Indian Law Journal.

driven legal tools and digital platforms will help overcome resistance and ensure the successful integration of technology into the judicial system.<sup>30</sup>

The integration of technology into the judicial system is not just a modernization effort but a necessity for ensuring efficiency and accessibility. By adopting AI-driven case management, virtual hearings, and e-courts, India can significantly reduce case pendency and improve access to justice. The next chapter will focus on the framework for establishing regional and specialized Supreme Court benches.

## **VI. Framework for Establishing Regional and Specialized Supreme Court Benches**

The decentralization of the Supreme Court requires a well-structured framework that ensures judicial efficiency, accessibility, and consistency in legal interpretation. This chapter outlines the proposed structural, administrative, and legal measures necessary for establishing regional and specialized benches.

### **A Proposed Two-Tier Supreme Court Structure**

To optimize the functioning of the Supreme Court, a two-tier structure is proposed. This structure would consist of:

1. **A Constitutional Bench in Delhi:** This bench would be dedicated to handling cases involving constitutional interpretation, fundamental rights, and disputes between the Union and States. This specialization would allow the Constitutional Bench to focus on its core function of safeguarding the Constitution and resolving matters of national importance.
2. **Regional Cassation Benches:** These benches would be responsible for hearing appeals from High Courts, significantly reducing the burden on the central bench in Delhi. This decentralization of appellate jurisdiction would improve access to justice and expedite the resolution of appeals. Proposed Locations for Regional Benches:

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<sup>30</sup> Cybersecurity Measures in E-Courts, National Informatics Centre Report.

Western Bench: Mumbai

Southern Bench: Chennai or Hyderabad

Eastern Bench: Kolkata

Northern Bench: Delhi (which would also serve as the Constitutional Bench)

This proposed structure, inspired by international models of regional Supreme Court benches, aims to create a more efficient and accessible judicial system.<sup>31</sup>

Beyond the establishment of regional benches, creating specialized benches within the judicial system is crucial for efficiently handling complex legal domains. A Tax and Economic Law Bench would expedite tax-related and corporate litigation, contributing to a more streamlined resolution of these often-intricate cases. An Environmental and Public Interest Bench would focus specifically on environmental disputes and Public Interest Litigation (PILs), providing specialized expertise in these increasingly important areas of law. Finally, a Commercial Disputes Bench would efficiently resolve business and contract law conflicts, facilitating faster resolution of commercial disputes and promoting a more predictable legal environment for businesses.

Implementing the proposed structural changes, including regional and specialized benches, requires key legislative and constitutional amendments. First, Article 130 of the Constitution must be amended to explicitly allow for multiple Supreme Court sittings in different locations, providing the legal foundation for regional benches. Second, the Supreme Court (Number of Judges) Act needs to be amended to accommodate the additional judges required for staffing both the regional and specialized benches. Finally, clear statutory guidelines must be established to define the jurisdictional boundaries between the various benches, preventing potential conflicts and ensuring a consistent and coherent application of the law across the country.

Successfully implementing the proposed judicial reforms requires not only legislative changes but also significant administrative measures. This includes infrastructure development, such as constructing new court buildings to house the regional and specialized benches and hiring the

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<sup>31</sup> International Models of Regional Supreme Court Benches, Comparative Legal Studies.



necessary judicial staff to support their operations. Crucially, judicial appointments will need to be made, recruiting additional Supreme Court justices to staff these new benches. Finally, technology integration is essential. Establishing robust virtual connectivity between all benches will be vital for maintaining uniformity in judicial decisions, facilitating communication, and ensuring the smooth functioning of the decentralized system. The establishment of regional and specialized benches offers several key benefits to the Indian judicial system. First, it will lead to a significant reduction in the case backlog, as faster disposal of appeals will alleviate the current congestion in the Supreme Court. Second, it will dramatically improve accessibility to justice. Litigants from distant regions will no longer face the considerable burden and expense of traveling to Delhi for hearings.

Finally, it will enhance judicial efficiency. Specialized benches, staffed with judges possessing expertise in specific areas of law, will ensure quicker and more informed rulings, particularly in complex and technical cases.<sup>32</sup> A decentralized judicial structure, with regional and specialized benches, will significantly improve case management, reduce delays, and enhance accessibility to justice. The next chapter will discuss challenges and counterarguments to judicial decentralization.<sup>33</sup>

## **VII. Challenges and Counterarguments to Judicial Decentralization**

Despite the strong case for decentralizing the Supreme Court through regional and specialized benches, various concerns and counterarguments have been raised by legal experts, policymakers, and members of the judiciary. These challenges range from fears of judicial fragmentation to administrative and logistical difficulties. This chapter critically examines these concerns and provides counterpoints to demonstrate how decentralization can be successfully implemented without undermining judicial integrity.

A primary concern regarding the establishment of regional Supreme Court benches is the potential for judicial fragmentation. Critics argue that decentralization could lead to inconsistent interpretations of the law across different regions, creating legal uncertainty and undermining the principle of uniform application of the law.<sup>34</sup> Maintaining consistency in judicial precedents is crucial for upholding the rule of law and ensuring that similar cases

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<sup>32</sup> Impact of Specialized Benches on Judicial Efficiency, Harvard Law Journal.

<sup>33</sup> Supreme Court Structural Reforms: A Policy Perspective, Indian Journal of Law and Policy.

<sup>34</sup> Judicial Fragmentation Concerns in Supreme Court Decentralization, Indian Law Journal.

receive similar judgments throughout the country. However, this concern can be addressed. Establishing a Constitutional Bench in Delhi as the central authority can ensure uniformity in the interpretation of constitutional provisions. Furthermore, a well-structured appellate mechanism can allow for the review of conflicting judgments from the regional benches, thereby maintaining coherence and consistency in legal interpretation across the nation.

Another concern raised by opponents of decentralization is the potential dilution of the Supreme Court's authority. They argue that creating multiple benches could diminish the Court's stature as the highest court in the land,<sup>35</sup> weakening its perceived role as a unifying institution whose judgments are considered final. A single, centralized apex court is seen as essential for reinforcing this sense of finality and national legal unity. However, this concern can be mitigated. As recommended in the 229th Law Commission Report, establishing Cassation Benches specifically for handling appellate cases, while reserving constitutional matters for the central bench, would ensure that the Supreme Court retains its ultimate authority in these crucial areas. Furthermore, the experience of many developed nations, including the United States and Germany, demonstrates that having multiple appellate courts does not necessarily diminish the authority or prestige of their supreme judicial bodies.

The establishment of regional Supreme Court benches presents logistical and administrative challenges. Critics point out that creating these benches would require significant investment in infrastructure, funding, and judicial appointments.<sup>36</sup> Given the existing resource constraints within India's judiciary, they argue that diverting funds to new benches might not be financially feasible. However, this concern can be addressed. The financial costs associated with decentralization would be offset by the considerable benefits it would bring. Reduced case pendency, improved access to justice, and lower litigation expenses for litigants who currently bear the burden of traveling to Delhi would ultimately provide significant economic advantages. Furthermore, strategic investment in technology and digital case management can complement physical decentralization, minimizing the need for extensive new infrastructure and making the process more efficient and cost-effective.

A significant obstacle to judicial reform is the consistent opposition from Chief Justices of

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<sup>35</sup> Impact of Decentralization on Supreme Court Authority, Harvard Legal Review.

<sup>36</sup> Financial and Administrative Feasibility of Regional Benches, Law Commission Report.

India and senior judges regarding the establishment of regional benches.<sup>37</sup> This resistance often stems from a preference for maintaining a unitary structure, which allows for greater control over case distribution and judicial policymaking. However, this resistance is primarily based on administrative concerns rather than legal or constitutional limitations. Article 130 of the Constitution already provides for Supreme Court sittings in multiple locations, demonstrating the legal feasibility of regional benches. Furthermore, a strategic approach, such as creating a pilot program with one or two regional benches, could help assess the feasibility and effectiveness of full-scale implementation, potentially addressing some of the administrative concerns and paving the way for broader acceptance within the judiciary.

A further concern regarding the establishment of regional benches is the potential for increased politicization and regional influence on judicial decisions. Critics argue that decentralized benches could be more susceptible to local political pressures, potentially undermining judicial independence.<sup>38</sup> The centralized structure of the Supreme Court is seen as providing a degree of insulation from these regional political dynamics. However, this risk can be mitigated. Implementing appropriate safeguards, such as centralized judicial appointments, regular judicial transfers, and robust oversight mechanisms, can help prevent undue influence on regional benches. Moreover, the experience of other countries with decentralized judicial systems demonstrates that the mere presence of multiple regional benches does not automatically lead to political interference. Effective safeguards and a strong commitment to judicial independence are key to ensuring the integrity of the judicial process.

While concerns about judicial decentralization are valid, they are not insurmountable. The implementation of structural safeguards, clear jurisdictional boundaries, and technological interventions can address these challenges effectively. The next chapter will present recommendations and a phased implementation roadmap for decentralizing the Supreme Court to ensure efficiency, accessibility, and judicial integrity.

### **VIII. Recommendations and Implementation Roadmap**

To effectively implement regional and specialized benches of the Supreme Court, a structured and phased approach is required. This chapter presents key recommendations, legislative

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<sup>37</sup> Chief Justices' Opinions on Supreme Court Reforms, National Judicial Review.

<sup>38</sup> Political Influence in Regional Judiciary: A Comparative Analysis, Global Law Forum.

changes, and a roadmap for the successful execution of judicial decentralization.

To enhance the efficiency and effectiveness of the Indian judicial system, a comprehensive reform strategy is proposed. This strategy includes establishing four regional Cassation Benches in Mumbai, Chennai, Kolkata, and Hyderabad to handle appellate matters.<sup>39</sup> While retaining the Constitutional Bench in Delhi for cases of constitutional interpretation and national importance. Furthermore, specialized benches dedicated to taxation, environmental law, commercial law, and human rights should be introduced, staffed by expert judges with specialized knowledge to ensure efficient case resolution. Critically, Special Leave Petitions (SLPs) should be restricted by amending Article 136 to limit them only to cases of constitutional significance, while strengthening High Courts as final appellate authorities for routine cases. Enhancing digital infrastructure is also essential, including expanding the E-Courts Project for virtual hearings and online case management, and implementing AI-driven case tracking and legal research tools.<sup>40</sup>

Finally, judicial appointments should be increased to accommodate the regional and specialized benches, and comprehensive training programs should be conducted for judges on AI-based legal research and digital case management.

Implementing judicial decentralization through regional Supreme Court benches requires specific legislative and constitutional amendments. First, Article 130 of the Constitution must be amended to explicitly allow for the establishment of regional Supreme Court benches. Second, the Supreme Court (Number of Judges) Act needs to be amended to increase the judicial capacity, ensuring sufficient judges to manage the caseloads of the newly created regional benches.

Finally, statutory guidelines must be developed and implemented to provide clear jurisdictional clarity, defining specific case allocation rules for both the regional and specialized benches to avoid confusion and ensure efficient case management.

A phased implementation plan is crucial for a smooth transition to a decentralized judicial system. **Phase 1** (0-2 years) focuses on planning and legislative reforms, including passing the necessary constitutional amendments, developing regional court infrastructure, and appointing

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<sup>39</sup> 229th Law Commission Report, Government of India.

<sup>40</sup> AI and Technology Integration in Courts, Legal Tech Journal.

additional judges and staff. **Phase 2** (2-5 years) involves a pilot implementation, establishing one or two regional benches as a trial phase, launching specialized benches for key legal domains, and implementing a national AI-driven case tracking system. **Phase 3** (5-10 years) entails full-scale rollout, expanding regional benches based on the pilot results, conducting periodic reviews to refine judicial processes, and strengthening High Courts to manage a greater volume of appellate cases.<sup>41</sup>

A well-planned and phased approach to judicial decentralization can significantly enhance judicial efficiency, reduce case backlog, and improve access to justice. The next and final chapter will present the overall conclusion of this research, summarizing key findings and emphasizing the necessity of regional and specialized benches.

## IX. Conclusion

The Indian judiciary, as the guardian of constitutional principles, must ensure that justice is not only delivered but is also accessible and efficient. The analysis throughout this paper has demonstrated the pressing need for decentralizing the Supreme Court by establishing regional and specialized benches. The excessive case backlog, geographical barriers, and procedural inefficiencies highlight the structural weaknesses in India's current judicial framework, necessitating urgent reforms.

The centralization of the Supreme Court in Delhi creates undue hardship for litigants from distant regions, limiting access to justice for individuals from southern, eastern, and northeastern states. A decentralized approach, modeled after successful judicial systems in the United States, Italy, and Germany, can ensure that routine appeals are handled at regional levels, allowing the Supreme Court to focus on constitutional matters of national importance. The 229th Law Commission Report, among others, has strongly advocated for such a system, yet implementation has remained stalled due to institutional resistance.<sup>42</sup>

One of the key impediments to judicial efficiency is the unchecked rise of Special Leave Petitions (SLPs) under Article 136, which overwhelm the Supreme Court with routine appeals. Limiting SLPs to constitutional and significant legal matters would drastically reduce unnecessary litigation at the apex level. Additionally, strengthening High Courts as final

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<sup>41</sup> Phased Implementation of Judicial Reforms, Policy Research Institute.

<sup>42</sup> 229th Law Commission Report, Government of India.

appellate authorities can alleviate the burden on the Supreme Court while expediting case resolution.<sup>43</sup>

The implementation of regional cassation benches in Mumbai, Chennai, Kolkata, and Hyderabad, along with specialized benches for taxation, commercial law, and environmental law, would provide greater accessibility, expertise, and efficiency in adjudicating complex legal matters. Moreover, technology-driven solutions such as AI-assisted case management, e-courts, and virtual hearings can further enhance judicial productivity and transparency.<sup>44</sup>

Despite concerns regarding judicial fragmentation, administrative hurdles, and resistance from the judiciary, these challenges can be addressed through clear jurisdictional guidelines, phased implementation strategies, and digital integration. The success of decentralized judicial systems in other democratic nations underscores that such reforms are both feasible and necessary.<sup>45</sup>

This paper concludes that the decentralization of the Supreme Court is not merely a logistical reform but a constitutional imperative to uphold the fundamental right to timely and accessible justice. A phased implementation roadmap, beginning with legislative amendments and pilot projects, will allow for a smooth transition toward a more inclusive and efficient judiciary. It is time for India to act decisively in modernizing its judicial framework, ensuring that justice is truly accessible to all, irrespective of geographical constraints.

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<sup>43</sup> Analysis of Special Leave Petitions under Article 136, Supreme Court of India Report.

<sup>44</sup> Impact of Judicial Decentralization on Case Management, Harvard Law Review.

<sup>45</sup> International Models of Decentralized Judiciary, Comparative Legal Studies Journal.