

Dated: 14.12.2011

Hon'ble Sri Salman Khurshid
Minister of Law & Justice,
Government of India, New Delhi

Hon'ble Sir,

Saadar Namaskar,

We seek your kind liberty to place the following aspects for your kind consideration for establishment of a permanent Bench of the Allahabad High Court at Agra.

- As per 2011 census, the population of UP is 19,95,81,477 (Approx 20 Crore).
- Total pendency of the cases before the Allahabad HC was 9,73,599 (approx. 10 lacs) as on 30.9.2010 and most of them were from Western UP.
- Total sanctioned strength of the Allahabad HC is 160 Judges and the present strength is only about 78 Judges (49% of total strength).
- The 3-members Jaswant Singh Commission was appointed by the GoI on 4.9.1981 which, after examination at length, recommended for a permanent Bench of HC at Agra vide its report dt. 30.4.1985. Its para 38 read thus:

“Taking into consideration the totality of the conditions, and circumstances peculiar to Agra, we find ourselves **impelled to agree with the aforesaid views of the eminent Judges and others that Agra would be a suitable place for the location of the bench.**”

- The Parliamentary Standing Committee of Home Affairs, in their **39th Report** regarding the establishment of Benches of Allahabad High Court noted:

“The Committee notes with concern that no concrete steps have so far been taken with regard to the setting up of a Bench of Allahabad High Court in Western UP.”

Again, the said Committee in its **45th Report** said:

“...the recommendations of Jaswant Singh Commission Report may be expeditiously processed and implemented within a given time frame and it may be apprised of action taken within three months.”

Again the said Committee in its **56th Report** stated:

“The Committee, after having considered all the aspects of the setting up of benches of High Courts away from their principal seats, **is of the opinion that the establishment of the benches of High Courts at the places which are far of from their principal seat is the need of time, keeping in view the problems of the poor people.** The Committee urges upon the Government to sort out the various hurdles coming in the way of setting up of Benches and ensure that there should not be inordinate delay in the matter.”

- The then AG, Sri Soli Sorabji, dt. 4.12.2001 gave his categorical opinion that the Central Govt. is empowered to establish a permanent Bench of the Allahabad HC by its Parliamentary Legislation.

- The stand of the Central Govt. that the Chief Justice of the Allahabad High Court and the UP Govt. should recommend for such Bench is an unachievable expectation as no Chief Justice of the Allahabad HC has so far recommended for a Bench despite popular demand and agitations for the Bench.
- Article 39-A of the Constitution enjoins the State to make justice available at the doorstep but the laudable Directive Principle of State Policy remains a distant dream by reason of non-creation of the Bench of the HC in Western UP.
- The greatest sufferers by the non-establishment of HC's Bench are the unprivileged and underprivileged citizens of the Western UP who are not able to avail the legal remedies for want of the prohibitive cost and inordinate delays.
- HC's principal seat at Allahabad also lacks adequate infrastructure for the total sanctioned strength of 160 judges, requiring creation of additional infrastructure, which can be created at Agra by way of a permanent Bench.
- Agra has suffered a lot on account of it being situated in an eco-sensitive area because of Taj Mahal and Taj Trapezium Zone, leading to want of employment opportunities. The establishment of Bench would bring such opportunities.
- HC for North-Western Provinces (NWP) was established at Agra on 17.3.1866, which came in to existence on 11.6.1866 and worked upto 1869 but was shifted as a punishment for the freedom fighters' role at Agra.
- Agra presently have the Circuit Bench of the Board of Revenue, Allahabad and also permanent Bench of Income-tax Appellate Tribunal (ITAT).
- A date chart to give a picture about the chronology of events is attached.
- Agra is, in all respects, suitable for establishment of HC Bench.

In view of the aforesaid facts, we request your honour to kindly establish a permanent Bench of the Allahabad High Court at Agra through a Parliamentary Legislation to fulfill the long awaited popular demand of the people of Western UP, which would also go a long way to give effect to the Constitutional desire enshrined in Article-39 of the Constitution of India.

With our utmost regards,

(KC Jain)

General Secretary