Proposal to Divide the Supreme Court: Constitutional Court and Regional Appellate Benches

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13 November 2026: With over 92,000 cases pending in the Supreme Court (92,318 by end-2025), the judicial reform debate has intensified. A proposal backed by former constitution-bench judges and legal experts suggests dividing the Supreme Court into two - a small 'Constitutional Court' in Delhi and regional 'Courts of Appeal'.

What the proposal says

Constitutional Court: The existing Supreme Court in Delhi would hear only constitutional questions, fundamental rights and federal disputes - a lean apex body of 11 judges.

Regional Courts of Appeal: Four or five regional 'Courts of Appeal' would be established to finally dispose of ordinary appeals coming from High Courts.

Pending reference: An 11-question presidential reference sent by the Centre in 2016 - containing this very division proposal - has never been listed for hearing.

Arguments for and against

In favour: The pendency burden (92,318 cases) turns the Supreme Court into a 'regular appellate court' instead of a 'constitutional court'; regional benches would spare litigants the cost of travelling to Delhi.

Criticism: Some experts say regional division would weaken 'national integration'; conflicting rulings on the same issue across regions are feared; others argue for simply increasing judge strength and reforming procedures instead.

Why it matters for exams

Prelims facts: Article 130 (seat of the Supreme Court), the 2016 eleven-question reference, pendency figures and Law Commission recommendations.

Mains theme: The direction of judicial reform and access to justice.

Quiz: Test your knowledge

Q1: Consider the following statements about the Supreme Court division proposal: 1. 92,318 cases were pending by end-2025. 2. The Centre sent an 11-question reference in 2016. 3. The proposed 'Constitutional Court' would have 21 judges. How many of the above statements are correct?

(a) Only one(b) Only two(c) All three(d) None

Answer and explanation: (b) Statements 1 and 2 are correct. Statement 3 is wrong - the proposal is for a lean 11-judge constitutional court.

Q2: Which Article of the Constitution deals with the seat of the Supreme Court?

(a) Article 124(b) Article 130(c) Article 131(d) Article 143

Answer and explanation: (b) Article 130 (Delhi or such other place as the Chief Justice, with the President's approval, may appoint). Article 124 is establishment, 131 original jurisdiction, 143 advisory jurisdiction.

Frequently Asked Questions (FAQ)

In short: Amid over 92,000 pending cases, a proposal seeks to split the Supreme Court into an 11-judge Constitutional Court in Delhi and regional Courts of Appeal. The 2016 eleven-question reference remains unheard.

Question: How many cases were pending in the Supreme Court by end-2025?

92,318.

Question: What would the regional Courts of Appeal do?

Finally dispose of ordinary appeals from High Courts, reducing the burden on the apex body in Delhi.

Question: What was in the 2016 reference?

The Centre had sent 11 questions via the President, including the proposal to divide the Supreme Court; it has never been heard.

Sources:

The Hindu (Lead) - To strengthen the Supreme Court, divide it

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