

UNIT – III UNION GOVERNMENT

3.6 Organization and Jurisdiction of Supreme Court

- The Supreme Court of India is the highest judicial court and the final court of appeal under the Constitution of India, the highest constitutional court, with the power of judicial review.
- India is a federal State and has a single and unified judicial system with three tier structure, i.e. Supreme Court, High Courts and Subordinate Courts.
- The Indian constitution provides for a provision of Supreme Court under Part V (The Union) and Chapter 6 (The Union Judiciary).
- Articles 124 to 147 in Part V of the Constitution deal with the organisation, independence, jurisdiction, powers and procedures of the Supreme Court.
- The Indian constitution under Article 124(1) states that there shall be a Supreme Court of India constituting of a Chief Justice of India (CJI) and, until Parliament by law prescribes a larger number, of not more than seven other Judges.
- The Jurisdiction of the Supreme Court of India can broadly be categorised into original jurisdiction, appellate jurisdiction and advisory jurisdiction. However, there are other multiple powers of the Supreme Court.

Organisational Structure of the Supreme Court

Along with the Chief Justice of India, there are around 34 judges in the Supreme Court. The judges sit in benches of 2 or 3, which is known as the Division Bench, or in benches of 5 or more, known as the Constitutional Bench when there are some matters which include the fundamental questions of the law which are to be decided.

Supreme Court Jurisdiction

The Jurisdiction of the Supreme Court are of three types mostly and each of them is discussed in detail below:

- Original Jurisdiction
- Advisory Jurisdiction
- Appellate Jurisdiction
- Review Jurisdiction

Original Jurisdiction

- In cases when there are disagreements between the Central government and the state government or between two or more state governments, the Supreme Court serves as the original jurisdiction authority under Article 131 of the Constitution.
- According to Article 139A of the Constitution, the Supreme Court may, at its judgment or on the advice of the Attorney General of India, accept matters from the high courts

while they are still pending if they involve the same legal problem that has to be decided by the Supreme Court.

- Additionally, it has the power to transfer cases that are still ongoing, appeals, or other legal actions from one High Court to another High Court.
- The Supreme Court has the authority to issue writs, orders, or directions under Article 139 of the Constitution.
- The Supreme Court is also able to uphold fundamental rights, according to section 32 of the Constitution.

Appellate Jurisdiction

The Supreme Court has administrative authority in cases involving civil, criminal, or constitutional law, according to articles 132, 133, and 134 of the Constitution. Additionally, under article 136, the Supreme Court has the authority to grant exceptional leave requested by any Indian judicial court, but not by Army courts.

Advisory Jurisdiction

According to article 143 of the Constitution, the Supreme Court may provide the President of India with legal advice where the basis of the issue is related to the public interest. Additionally, the President has the right to consult others on problems relating to Article 131 of the Constitution.

Review Jurisdiction

The Supreme Court has the authority to examine any laws that are being approved by the legislature under article 137 of the Constitution.