

Organization and Jurisdiction of Supreme Court

- The meaning of jurisdiction refers to the authority which is given to a legal body like that of a court for administering justice which is within the defined field of responsibility.

Three types of jurisdictions are present in the Supreme Court of India- original, appellate, and advisory, which are provided in Articles 131, 133, 136, and also 143 of the Constitution of India.

Jurisdiction and Its Types:

- The word jurisdiction has its roots in Latin, a combination of “Juris” meaning “law” and “Dicere” meaning “to speak”.
- Hence, the whole meaning of jurisdiction is the scope of the supreme court hearing to decide cases and settle disputes.
- The supreme court is the apex body of the Indian judiciary framework to maintain the constitution in India and uphold the values of the rule of law in the nation, thus it is known as the final interpreter and custodian of the constitution of India.
- The Constitution has conferred an extensive range of extensive jurisdiction and powers to the supreme court.
- In addition, it has advisory and supervisory powers. The Supreme Court has jurisdiction and constitutional powers as defined in Articles 124 to 147 of the Constitution of India.
- The Supreme Court of India plays the role of a federal court like the United States Supreme Court and a final court like the British House of Lords.
- A member of the drafting committee of the constitution Alladi Krishnaswamy Ayyar quoted the supreme court as “The Supreme Court of India has more powers than any other supreme court in any part of the world”.

The jurisdiction of the Supreme Court can be classified in the following ways :

1. Original Jurisdiction
2. Appellate Jurisdiction
3. Advisory Jurisdiction

1. Original Jurisdiction:

The constitution of India Article 131 confirms the Original Jurisdiction of the supreme court. As a federal court, its exclusive original jurisdiction extends to decide any disputes between different states of the Indian Federation. These disputes are :

- Dispute between The Union Government and one (or) more state governments.
- Dispute between the one-to-one (or) more state governments.

The Supreme Court has exclusive original jurisdiction to adjudicate the above-mentioned federal disputes in the sense that no other court can hear and decide such federal disputes. Article 139A of the Constitution of India allows certain cases involving fundamental rights disputes to be transferred from a High Court or multiple High Courts to the Supreme Court. According to Article 138 of the Constitution of India, original jurisdiction can be conferred on the Supreme Court through the medium of Acts of Parliament. The supreme court has the jurisdiction and power to hear such disputes in the first instance, rather than by way of appeal.

The following matters are not within the original jurisdiction of the Supreme Court :

- A dispute over a pre-constitutional agreement or treaty under Article 363 (1).
- Water disputes between state governments such as the distribution of inter-state river water [Article 260].
- Disputes concerning damage recovery between the union government and state government.

- Disputes relating to Finance Commission such as the presidential recommendation to the finance commission [Article 280].
- Disputes between the union government and state government regarding commercial activities.
- Dispute between the union government and state government concerning adjustments of some expenses and pensions under article 290.
- The dispute made the adjustment of expenses between the union government and the state government under articles 257(4) and 258(3).

Writ Jurisdiction:

The Constitution of India ensures that the Supreme Court is the guarantor and protector of the fundamental rights of the citizens. Article 32 of the Constitution of India empowers the Supreme Court to issue writs to enforce fundamental rights in the country. The Supreme Court is empowered to issue the following [types of writs](#), which include :

- Habeas Corpus – You may have the body.
- Mandamus – We command.
- Prohibition – To prohibit
- Quo-Warranton – What is your authority?
- Certiorari – To be certified.

The supreme court has original jurisdiction concerning writ jurisdiction, which confirms that any aggrieved person can directly go to the supreme court, not necessarily by way of appeal. About the Writ, The jurisdiction of the Supreme Court is not an exclusive power as the High Courts can also issue writs in respect of the enforcement of fundamental rights.

Here we have to note that the Supreme Court can issue only writs for the enforcement of fundamental rights and not for any other purpose, on the other hand, the High Courts can issue writs for the enforcement of fundamental rights as well as for other purposes. That

means the writ jurisdiction of the High Court is wider than the writ jurisdiction of the Supreme Court.

2. Appellate Jurisdiction:

The Supreme Court is not only a federal court but also the highest court in India, which clearly states that the Supreme Court is primarily a court of appeal against the judgments of lower courts and tribunals. Articles 132 and 133 of the Constitution of India establish the appellate jurisdiction of the Supreme Court. The Supreme Court enjoys wider appellate jurisdiction which can be classified into four categories :

1. Appeals with regards to constitutional category.
2. Appeals by special leave
3. Appeals with regards to the civil category.
4. Appeals with regards to the criminal category.

Constitutional Appellate Category:

As regards the Constitution, the judgment of the High Court may be appealed to the Supreme Court, when the High Court has confirmed and given a certifies that the particular case involved a significant question of law requiring the interpretation of the Constitution.

Special Leave Appellate Category:

The Supreme Court has authorized exclusive power to grant in its discretion special leave to appeal from any judgment in any matter passed by matter any court or tribunal in the country except military tribunal and court martial. The Supreme Court has exclusive power concerning selective ability in its discretionary to grant special leave to appeal from any judgment on any matter passed by any court or tribunal in the nation except Military Tribunals and Courts Martial.

Consequently, the extent of this provision of discretionary power is exceptionally more extensive and vests the supreme court with an entire purview to hear appeals. It is a discretionary power of the Supreme Court, therefore it cannot be sued in respect of a matter of right and it can be granted in any final or interim judgment. Note that this discretionary power may be connected with any aspect of constitutional, civil, or criminal cases, where it is not necessarily granted against the High Court.

Civil Cases Appellate Category:

In respect of civil cases, the judgment of the High Court may be appealed to the Supreme Court if the High Court grants a certificate as follows, That particular civil case might involve a significant substantial question of law of general importance, and note the observation here that the supreme court only has the power to decide that substantial question concerning the general importance.

Criminal Cases Appellate Category:

The Supreme Court can hear an appeal against the judgment of the High Court in criminal cases if the judgment of the High Court appears as follows :

- The High Court quashed the acquittal of an accused and sentenced him to death.
- The High Court itself takes over any case from any subordinate court and convicts the accused and sentences him to death.
- A proper certificate is provided by the High Court that the particular criminal case is fit for appeal in the Supreme Court.

3. Advisory Jurisdiction:

Article 143 of the Constitution of India confers the advisory jurisdiction of the supreme court which provides that the President of India may seek the opinion of the Supreme Court in the following categories :

- Any question of law may likely be with respect view of public importance where the President deems it expedient to obtain such an opinion and On any dispute arising out of any prior constitutional agreement or treaty.
- The Supreme Court can tender or reject its opinion to the President of India in the first case but the Supreme Court has to tender its opinion to the President in the second case.
- Here we have to note that, in both these cases, the opinion expressed by the Supreme Court is merely advisory and not a legal pronouncement, so the judiciary opinion of the Supreme Court is not binding on the President.

Review Jurisdiction:

Review Jurisdiction is covered under Article 137, through which the Supreme Court has the authority for the reviewal of its judgments. There are two grounds for reviews:

1. Apparent error on the face of recording which leads to judgment or
2. If in case new evidence has been unearthed which was not available earlier despite the best attempt by the party.

Powers and Functions of Supreme Court:

- The highest judicial court of India is the Supreme Court of India and is also the final court of appeal in the country.
- It is the most senior constitutional court, and also has the final decision to make when it comes to all legal matters except in case of personal laws and interstate river disputes, and the power of judicial review also lies with them.

- The Chief Justice of India is the Head and also Chief Judge of the Supreme Court, which includes a maximum of around 34 judges, and has enormous powers in terms and form of original, advisory, and appellate jurisdictions.

On, November 9, 2022, Justice D.Y.Chandrachud took oath as the 50th Chief Justice of India.

Established	1 October 1937 (as Federal Court of India) 28 January 1950 (as Supreme Court of India)
Location	Tilak Marg, New Delhi
Motto	Yato Dharmastato Jayah
Composition Method	Collegium of Supreme Court of India
Authorized by	Constitution of India
Judge termed Length	Mandatory retirement at 65 years of age
Chief Justice of India	D.Y.Chandrachud

Supreme Court of India

- According to the [Indian Constitution](#), the Supreme Court of India is the highest judicial court in India and the ultimate court of appeal.
- It is also the highest constitutional court with judicial review authority. The first Supreme Court was established in Calcutta as a superior court, and the first Chief Justice, Sir Elijah Impey, was appointed.
- The court was formed to settle disputes in Bengal, Orissa, and Patna. As a result, King George III founded the other two Supreme Courts in Bombay and Madras in 1800 and 1834, respectively.
- The Supreme Court is our country's highest appeals court.
- The people of India are announcing justice with its establishment. It requires safeguarding the fundamental rights of the Citizens and also settles disputes between various government authorities as well between different levels of the government in the country.
- The Supreme Court's authority is to provide a proper hearing in cases involving the Indian Constitution. This court can also override the legislature in the favour of basic structures of the Indian Constitution.
- Law which is declared by the Supreme Court is binding for all the courts present at all levels within India and also for Union and State Governments.
- As per, Article 142 of the Indian Constitution, it is the duty of the President of India to enforce decrees of the Supreme Court, and the court is conferred with inherent jurisdiction.

History of Supreme Court:

- The Federal Court of India was established as per the Government of India Act in 1935. This Court is important as it settles the disputes between the provinces and the federal states and also hears appeals against the judgments of the high courts.
- After Independence, the Federal Court and also the Judicial Committee of the Privy Council was replaced by what came to be known as the Supreme Court of India, which came to be on January 1950.
- The Constitution of 1950 envisaged Supreme Court with one Chief Justice and around 7 other Judges.
- The count of Judges in the Supreme Court was increased by the Parliament and is around 34 judges now including the Chief Justice of India.

Significance of Supreme Court of India:

- The Indian Constitution deals with the Supreme Court's power, function, nomination, retirement, jurisdiction, and so on, from Article 124 to Article 147.

The following are the reasons why the Supreme Court was established:

1. The Supreme Court possesses Judicial Review power under Article 13 of the Constitution, which means it has the authority to reject any law or executive action that is determined to be incompatible with the Indian Constitution.
2. The Supreme Court is India's highest court ruling, commonly referred to as the country's top court or even the final chance, where people can seek justice if they are dissatisfied with a High Court decision.
3. If certain **fundamental rights** are violated, Indian individuals can claim compensation immediately through writs under Article 32 of the Constitution.

Functions of the Supreme Court:

1. It functions as a medium for settling disputes between various governmental entities, the federal government, and state governments.
2. In accordance with Article 141 of the Constitution, all courts in the Indian Territory must obey legislation made by the Supreme court.
3. In response to an appeal from one of the High courts or another subordinate court, the Supreme court gives the final decision.
4. The Supreme Court can make decisions and act independently in specific cases.
5. It is the highest court of appeals in civil and criminal cases.

Composition of 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

Powers of the Supreme Court:

The Supreme Court has the following judicial powers:

1. Original Jurisdiction
2. Appellate Jurisdiction
3. Advisory Jurisdiction
4. 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.

Court of Record:

The Supreme Court is a Court of Record whose judgments are recorded as evidence and testimony.

Various Provisions Regarding Supreme Court of India:

- The Constitution of India provides the provision of the Supreme Court under Part V (The Union) and Chapter 6 (The Union Judiciary).
- Articles 124 to 147 in Part V of the Constitution deals with the organization, independence, jurisdiction, powers as well as procedures of the Supreme Court.
- Indian Constitution in Article 124(1) states there will be a Supreme Court of India constituting Chief Justice of India and until Parliament by the law prescribes a large number of around 7 judges.

Judicial Independence:

- The independence of the Supreme Court judges is sought by the Constitution.

- According to Article 50 of the Directive Principles of the State policy, State will be taking steps to separate the judiciary from the executive.
- Some of the basic structures of the Constitution include the independence of the Judiciary, supremacy of the Constitution, and the rule of law.
- Supreme court and also the high courts are empowered to frame what is called “suo moto” cases without receiving formal petitions on any suspected injustice including in contempt of court.
- It is considered to be one of the most known independent courts in South-East Asia.

The main purpose of the Supreme Court is to decide constitutional issues. Some important aspects are discussed below:

Tenure:

- Judges of the Supreme Court retire at the age of 65.
- But there have been some suggestions from the judges of the Supreme Court of India for providing fixed terms for judges including the Chief Justice of India.

Salary:

- According to Article 125, Indian Constitution leaves it to the Indian Parliament to determine the salary, allowances, leaves, etc. of the Supreme Court Judges.
- A Judge of the Supreme Court draws around Rs 2.5 lakhs per month, which is almost equivalent to the most senior civil servant of the Indian Government, while a Chief Justice earns around 2.8 lakhs per month.

Oath:

- As per Article 124 and the third Schedule of the Constitution, the Chief Justice of the Supreme Court of India is to make and also subscribe in the presence of the President's **Oath** or Affirmation.

Removal:

- Article 124(4) of the constitution states that the President can remove a judge on proof to the points of misbehavior or incapacity when the Parliament approves with the majority of the total membership of each house in favor of the impeachment and not less than 2/3rd of members of each house present.

Post-Retirement:

- A person after retiring as a judge of the Supreme Court is debarred from the practice of any court of law or before any other authority of India.

However, many times the Supreme Court and High Court judges are appointed to various positions in tribunals and commissions. after their retirement