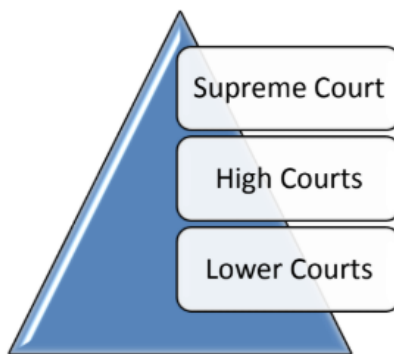


The Supreme Court of India

The Judiciary System in India

India follows an integrated judiciary system, meaning:

- The Supreme Court is the apex judicial body and oversees lower courts.
- There are high courts at the state level, and lower judiciary at the local level to deal with civil and criminal cases.
- A single civil and criminal system of laws operates all over the country.



Why India Chose a Single Independent Judiciary

India adopted a single independent judiciary for these reasons:

- To ensure the judiciary remains free from interference by the executive or legislature.
- To uphold the federal structure with a clear division of powers between central and state governments.
- To protect democracy and safeguard citizens' fundamental rights.

The Supreme Court: Overview

The Supreme Court in New Delhi is the highest court of appeals.

Composition

- The Supreme Court consists of the Chief Justice of India and up to 25 judges.

Qualifications for Judges

A candidate for Supreme Court judge must:

- Be an Indian citizen.
- Have served as a High Court judge for at least five years or two or more courts in succession.
- Be a distinguished jurist as recognized by the President.

Appointment and Term

- Judges are appointed by the President after consulting other judges and the Council of Ministers.
 - The senior-most judge becomes the Chief Justice of India.
 - Judges hold office until the age of 65 and can resign by submitting a letter to the President.
 - They can only be removed through impeachment for proven misconduct or incapacity, requiring a two-thirds majority in both Houses of Parliament.
-

Independence of the Judiciary

The judiciary's independence is protected in several ways:

- Judges are appointed through a collaborative process involving the executive and judiciary.
 - Removal is difficult and requires proven charges.
 - Judges' salaries are drawn from the Consolidated Fund of India and cannot be reduced during their tenure, except in a financial emergency.
 - Judges cannot be criticized in public for their decisions, and they cannot practice law after retirement.
-

Jurisdiction and Powers of the Supreme Court

The Supreme Court's jurisdiction includes:

1. Original Jurisdiction

- Cases that can directly begin in the Supreme Court include:
 - Disputes between the central and state governments.
 - Disputes between two or more states.
 - Cases involving the violation of fundamental rights.
- The Court can transfer significant cases from High Courts to itself.

2. Appellate Jurisdiction

- The Court can review decisions from lower courts in constitutional, civil, and criminal cases.

- Appeals in criminal cases can be made without a certificate if the High Court reverses an acquittal or imposes a death sentence.
 - 3. **Advisory Jurisdiction**
 - The President can seek the Court's advice on matters of public importance. This advice is not binding.
 - 4. **Revisory Jurisdiction**
 - The Supreme Court can review its own judgments to correct errors.
 - 5. **Judicial Review**
 - The Court can declare laws or executive orders unconstitutional if they violate the Constitution.
 - 6. **Court of Record**
 - Supreme Court decisions are preserved as legal records and serve as references for lower courts.
 - The Court can punish individuals for contempt of court.
-

Administrative Functions

- The Chief Justice and other judges appoint Supreme Court staff and set rules for advocates appearing before it.
- They also recommend High Court judge transfers.

Functions of the Supreme Court

- Settles disputes between the central and state governments.
 - Handles constitutional interpretation and fundamental rights enforcement.
 - Reviews High Court judgments on appeal.
 - Grants special leave to appeal in public interest civil cases and criminal cases involving legal questions or grave injustice.
 - Issues writs like habeas corpus, mandamus, and quo warranto to protect fundamental rights.
 - Declares laws null and void if they violate fundamental rights.
-

Conclusion

The Supreme Court of India plays a crucial role as the guardian of the Constitution and the protector of democratic principles.