

Supreme Court of India

Under the Government of India Act 1935, the Federal Court of India came into existence. The Supreme court settles disputes among provinces and federal states and also discusses the appeals taken against the judgments of the high court. Independent India came up with the replacement of the Federal Court and Judicial Committee in the privy council with 'The Supreme Court of India'. In 1950, the Constitution envisaged a chief justice along with 7 judges. However, the Parliament increased the number of judges in the supreme court. Presently, there are 34 judges with one Chief Justice of India (CJI).

Composition of Supreme Court

The **Supreme Court of India** is composed of 34 judges, one chief justice of India (CJI) along with 33 other judges. In order to become a judge of the Supreme Court of India, one must fulfill the following criterion:

1. He/ She should be a citizen of India.
2. He/ She should be a judge of the High Court with 5 years of experience.
3. He/ She should be an advocate of the High Court with 10 years of experience.
4. He/ She must be a dedicated jurist in the opinion of the President.

The retirement age for the judges of the supreme court is 65 years. However, they can resign at any time by writing a resignation letter to the President, and upon the recommendations of the parliament, a judge can be removed by the President.

The judges of the Supreme court are appointed by the President. Discussions are held between the Supreme court and the high court with the President; then, the CJI is appointed by the President. The President also consults with the CJI for the appointment of other judges in the Supreme court.

Some provisions that safeguard and ensure the impartial functioning of the Supreme Court are mentioned below:

- Security of Tenure
- Mode of Appointment
- Expenses Charged on Consolidated Fund
- Fixed Service Conditions
- Ban on Practice after Retirement
- The conduct of Judges Cannot be discussed
- Freedom to Appoint its Staff
- Power to Punish for its Contempt
- Separation from Executive
- Its Jurisdiction cannot be curtailed

Powers and Functions of Supreme Court

The power and functions of the Supreme court come under the Indian constitution. Let's learn about the powers and functions of the Supreme court of India discussed in the following points:

Original Jurisdiction: This Federal Court works upon the various units of the Indian federation. For instance, it looks after the disputed matters existing between the Centre and states or disputes among two or more states. Thus, the Supreme Court of India comprises exclusive original jurisdiction. The original jurisdiction is also restricted by some limitations. The Court can not interfere in disputes related to any agreement, pre-Constitution treaty or Sansad, and so on. The Court abstains from discussing matters like the Finance Commission and inter-state water disputes. The other matters, such as commercial matters between the center and the states, are also out of the court's concern.

Writ Jurisdiction: The Supreme Court of India is privileged to issue some major writs- Habeas Corpus, Mandamus, Prohibition, Quo-Warranto, and Certiorari. The Supreme court of India is empowered to issue writs in order to enforce the fundamental rights of an afflicted citizen. With the presence of original jurisdiction, in this case, an afflicted citizen can easily move to the court. Therefore, the writ jurisdiction is exclusively empowered by both High Court and the Supreme Court.

Appellate Jurisdiction: The Supreme court of India is also known as the court of appeals as it hears and discusses the appeals against the judgments of the lower courts. The Appellate Jurisdiction is divided into four categories:

- Appeals in civil matters
- Appeals in constitutional matters
- Appeals in criminal matters
- Appeals by special leave

Advisory Judiciary: Under Article 143, the Constitution has authorized the President to approach the Supreme court for opinions in two cases: Any law or fact based upon public importance and disputes related to the agreement, pre-Constitution treaty, etc.

A Court of Records: Under the Court of Records, the court has two main powers. The acts of the Supreme court and general proceedings are recorded as evidence and testimonials. Such valuable records can never be questioned if presented before any court. These documental records are called legal precedents and legal references. It has the authority to punish contempt of court.

Power of Judicial Review: It has the power to analyze the laws that are approved by the legislative body under article 137 of the Indian Constitution.

Role of Supreme Court in India

Under the Constitution of India, Part 5- Chapter 6 contains the powers, functions, jurisdictions, appointment, and retirement provisions of the Supreme Court. All these are mentioned in Article 124 to Article 147 of the Indian Constitution. The Supreme Court is recognized as the highest court of appeal. It is also called the apex court of India. The people of India observe this Court be the 'last resort' as they can move to the supreme court to seek justice if they are dissatisfied with the judgment of the High court.

According to Article 32 of the Constitution, a citizen can directly search for way-outs through writs if their fundamental rights are violated.

The Supreme Court of India is authorized with a Judicial Review written in Article 13 of the Constitution. It basically means the Supreme Court has the authority to remove any legislative and executive action only if the acts are found to be irrelevant to the Constitution of India.

