The impeachment process for a judge or chief justice in supreme court is same as that of president.

(President, Rajya Sabha, Lok Sabha, Supreme Court) is congruent to (Governor, Legislative Council, Legislative Assembly, Hight Court)

To be become supreme court judge:

1. He/She must be citizen of India
2. Practice of at least 5 years as a judge **in high court**.
3. Practice of at least 10 years as a lawyer **in high court**.
4. He/She must be jurist in the eyes of president. 🡺 He/She must have been in a panel of judges for giving verdict to a highly important cases like Ayodhya, Triple Talaq, etc.

There are only 33 seats for judges in supreme court. So, every high court judges will not get chance to serve as judge in supreme courts.

Powers of supreme court:

1. Original Jurisdiction: Some important cases start in supreme court itself like CAA NRC, Triple Talaq, etc. Supreme court has powers give judgements in these cases.
2. Appealing Jurisdiction: Cases whose judgement has been already given by high court but not satisfying it, party goes to supreme court.
3. Writs Jurisdiction:

Writ 🡺 Order from court

There can be 5 different kind of verdicts and hence 5 different type of writs. They are as follows:

* 1. Habeas Corpus:

Detention 🡺 Take into custody.

When a person asks court to issue Habeas Corpus against police when he/she is taken into custody lawfully, court will say that it cannot issue Habeas Corpus Writ against police as he/she is taken into custody lawfully. (He/She = Person who has been arrested)

Contempt of legislature 🡺 Breaking the rules in LokSabha/ RajyaSabha/ Member of Legislative Assembly/ Member of Legislative Council during their proceedings

Contempt of court 🡺 Breaking the rules in courts during their proceedings.

Detention is outside the jurisdiction of court 🡺 A man steals gold from some house and asks court to issue Habeas Corpus to him if he has to give back the gold. This is outside jurisdiction of court. So, Habeas Corpus will not be issued to the man.

* 1. Mandamus

**Scenario:**

‘A’ has illegally acquired the land of ‘B’. ‘B’ goes to court and wins the case as court had directed concerned development department to handover the land to ‘B’. ‘A’ being smart, had already booked the development department. Development Department didn’t handover the land to ‘B’ even after 6 months of verdict. ‘B’ again goes to court to get his land back. This time, court issues mandamus to development department to hand over the land to ‘B’ within 24 hours.

Mandamus can’t be issued to enforce departmental instruction that doesn’t not possess statutory force:

Statutory force => Guidelines from upper department (Here (in following example), RBI)

RBI issues circular to all banks stating not to open zero balance accounts. If somebody approaches court to issue mandamus to SBI to open zero balance accounts, court will say no.

To order someone to work when the kind of work is discretionary and not mandatory

Your manager cannot go and get mandamus for you to work beyond the normal timings.

Mandamus cannot be issued against the chief justice of a high court acting in judicial capacity.

If this was allowed, someone could ask upper court to issue mandamus lower court to give decision in favor of him/her

* 1. Prohibition

Writ of prohibition can only be issued to judicial and quasi-judicial authorities.

E.g., If High Court goes beyond its functions, Supreme Court will issue prohibition writ to high court.

Quasi-Judicial 🡺 Half judicial. E.g., Judiciary of Panchayat (Munsif Court). Munsif Courts can only take up local election related issues or civil cases. It cannot handle criminal cases. If it starts handling criminal cases, district court can issue prohibition writ orders to Munsif courts prohibiting it to take up criminal cases.

* 1. Certiorari

This is not order like other three writs which are orders. The upper courts will ask lower courts having too many cases to transfer some cases to immediate upper courts, so that the burden of lower court will be reduced.

Till 1975, it was not issued to administrative authorities. From then on it is issued to administrative authorities also.

E.g. UPSC is an administrative body according to Article 315. Assume that hell lot of tensions are created due to corruption in UPSC. In this case, Certiorari can be issued by supreme court to UPSC to handover the matter to supreme court. Supreme Court will take up the case and will give the judgement.

* 1. Quo Warranto

This will be issued to those individuals who have assumed public (government) offices illegally.

E.g. Quo Warranto can be issued to those individuals who have assumed the offices of PSIs illegally.

When Quo Warranto is issued, the officer had to resign from his job.

1. Reviewing Jurisdiction:

Supreme courts can review any case that’s been running or have been completed. Supreme Court will review the case and not reopen it. It will review things like (1. if FIR has been correctly filed by police, 2. if the judgement is given based on all the technical evidences, etc.)

Supreme can only review and can’t reopen or change the judgement.

1. Court of Record:

Supreme Court can get the records of judgements and proceedings of any case in any court. Usually, Supreme Court will use such records to appoint its judges.

1. Advisory Jurisdiction:

Supreme Court can advise any of the lower courts on how to proceed in a case. By Article 143, Supreme Court also has right to advise President Of India.

Another Scenario:

There are two politicians A and B fighting case against each other in Hight Court. If Verdict is given in favor of A, B’s supporters will cause harm in cities and vice versa. In this scenario high court will request Advisory Jurisdiction to Supreme Court.

Supreme Court can show that high court is correct in two ways:

1. Come with an article in constitution that will prove the correctness of the judgement
2. Come with a case study which will also prove the correctness of the judgement

Supreme Court can only show that the high court’s judgement is correct. Supreme Court cannot change High Court’s judgement.

**Authorities of Indian Supreme Court**

* It is limited till Union Judiciary 🡺 Supreme Court can only handle cases happening in India
* “accept” should be “except” in ppt
* Supreme Court protects fundamental rights by the means of Article 32
* The Powers and Authorities of Supreme Court can be increased by Parliament. But it can’t be decreased.

**Authorities of American Supreme Courts**

* “expend” should be “extend” or “increase” in ppt

**Adhoc judge 🡺** Assume Chief Justice of India takes trip leaves for 15 days. During this time one of the judges in supreme court will act as substitute Chief Justice of India and that person will be called adhoc judge.

Impeachment of Defense Personnel will happen through Court Marshal. Court Marshal is the separate court for Defense Matters. No other courts including supreme courts can handle defense related issues.