

Supreme Court

Integrated Judiciary System

Supreme—>High Court—>Subordinate C



- SC was established in 28 Jan 1950
- Part V(124-147)
- Number of Judges(30 +1 CJI)
- Parliament has the power to increase the number of Judges in Parliament

Qualification of Judges of SC

- Citizen of India
- 5 Years Judge of HC or
- HC Advocate for 10 Years or
- Distinguished Jurist in Opinion of President

Notes:

- No minimum age limit

- Appointment by President
- CJI is also appointed by President
- While appointing CJI president takes consultation of Judges of SC and HC (Number not mentioned).
- After 1993 it is being fixed that senior most Judge of SC will become CJI: Second Judge Case
- Other judges are also appointed by President in consultation with CJI and Judges of SC and HC

1998 Third Judge Case: SC Ruling

- Collegian system introduced
- Collegian will have 5 Members (4 Senior Most judges of SC+CJI)
- President will take consultation from collegian for the appointment of SC Judges
- This consultation is binding on President

Notes:

- Oath of SC Judges and CJI is administered by President or any other member assigned by President
- Salary is determined by Parliament
- No fixed tenure
- Maximum age : 65 Years
- Resignation to President

Removal of SC Judges/CJI

- By the President on the recommendation of Parliament
- Grounds: Proved Misbehaviour and Incapacity
- Resolution has to be started in any house of Parliament for Removal: Minimum 100 LS members required to start (To speaker) and in RS if started then 50 Members required to give

in written to Chairman

Example:

- If 100 members submitted Application to speaker
- Speaker will check the grounds, If rejected then resolution will be over
- If accepted then Speaker will form 3 member committee
 - CJI or Judge of SC
 - CJ of HC
 - Distinguished Jurist
- This committee will examine and check if guilty or not. If not guilty then resolution will be over
- If guilty then resolution has to be passed by Special majority of 2/3(P&V)
- after that it will reach R.S and there also it has to be passed by Special Majority then President will remove CJI or SC Judge
- Same process if resolution starts in RS
- No Judge of CJI is removed till now like this

Acting Chief Justice

- If CJI is Vacant/Absent then President can appoint judge of SC as Temporary Chief Justice

Ad-Hoc Judges

- In case work load is more some temporary judges are appointed by CJI on previous consent of President and CJ of HC

Retired Judges

- Can be appointed by CJI with consent of President and the person to be appointed

Seat of Supreme Court(130)

- At Delhi

- Can be transferred in other places also with the consent of President

Powers of Supreme court

- **Original Jurisdiction (131)**
 - Cases directly to Supreme court(Not by Appeal)
 - Centre Vs State Or Vs States
 - State Vs State
 - Centre and State Vs States
- **Writ Jurisdiction(32)**
- **Appellate Jurisdiction**
- **Advisory Jurisdiction(143)**
 - President can take advice in some issues from SC
 - 5 Judges bench give non binding advice
- **Contempt of Court**
 - Civil Contempt:Disobedience of Court
 - Criminal Contempt:Lower the authority of Court
- **Court of Record**
 - Proceedings are recorded and Available as the evidence of fact
- **SC can review its own judgement**
- **Interpreter of Constitution**