**Supreme Court Of India (SC)**

**Introduction:**

**In this article I have given a brief introduction about Supreme Court Of India. I have tried to cover all important aspects like Appointment/Qualification/power/Seat/salary etc.**

1. **Article 124 to 147** in **Part V** deals with the Supreme Court of India — Parliament also authorised to regulate them.

2. The Integrated Judiciary structure is as follow with **SC** at top → High Court → Subordinate Courts.

3. The Supreme Court **succeed Federal Court of India** established under Government of India Act 1935.

4. It is the **final interpreter & guardian of Constitution and guarantor of our Fundamental rights.**

6. Intially by **Article 124 of the constitution the** strength of SC judges was fixed at 8 = Chief Justice of India + 7 Judges [until **Parliament enlarge** it. In Highcourt – the strength is decided by President].

**Appointment of Judges:**

1. **Chief Justice of India (CJI) is** appointed by **President** after consultation with **such judge** of **SC or High Court decided by President**. Convention is outgoing CJI name his/her successor who is the seniormost judge of SC & ultimately appointed by President.

2. **Other Judges** appointed by President after **consulting CJI** and **such judges** of **SC or HC** deem necessary by **President.**

**Qualification of Judge:**

He should be a

1. Citizen of India.

2. Either of following three condition required:

a) **Judge** of **High Court for 5 yrs**;

b) **Advocate** of High Court for **10 yrs**;

c) **Distinguished jurist** in opinion of President (**not applicable in High Court**).

3. **No minimum age prescribed by Constitution.**

**Oath and Tenure**

1. **Oath**:

a. The Judges of SC take oath before President or person appointed by him.

b. True faith & allegiance; Sovereignty & Integrity; Duly & Faithfully duties of

office; Uphold Constitution

2. **Tenure**:

a. **Constitution not fixed any tenure** but state fixed that Judge can hold office till age of

**65 yrs**. Any ques with respect to age is determined by Parliament.

b. He can resign any time addressing letter to the President.

c. He can be **removed by President** on the **recommendation of Parliament**.

**Removal procedure:**

1. **The procedure is not laid down in the Constitution**

2. He can be removed by order of **President**

3. The removal procedure to be passed in **same session**.

4. Impeachment **motion not lapse** on **dissolution of LokSabha.**

5. The removal procedure address supported by **special majority** (1/2 total + 2/3 Present and Voting).

a. Removal Motion sign by **100 members in LokSabha or 50 members of RajyaSabha.**

b. If the judge found guilty then house take up consideration of motion.

**Salary and Allowances:**

1. The salary and allowance of judges of SC is determined by **Parliament**.

2. The judges salary can not be varied to disadvantage **except during Financial Emergency**.

3. Retired Chief Justice of India and Judges entitle 50% of their last drawn salary as pension.

**Types of Supreme Court judges:**

1. **Acting Chief Justice: President according to** [Article 126] can appoint **judge of SC** if Chief justice seat is **vacant/ absent/ not able to perform**.

2. **Ad Hoc Judge**: These judges appoint when there is **lack of Quorum** of permanent Judge, **CJI appoint High court judge** as adhoc judge of SC for **temporary period** after **consulting Chief Justice of concerned** **High Court (HC)** & with **prior consent of President**.

3. **Retired Judge**

a. **CJI** can request Retired Judge of SC/HC to act as Judge of SC for **temporary period**.

b. To appoint retired Judge **President approval is** required and **approval of person** concerned.

c. A retired judge is a person entitled to same allowance, salary, power as President determine but is not deemed as SC Judge.

**Seat of SC**

1. **Constitution of India declare** **Delhi** as seat of SC.

2. **Article 130 of Constitution** also **authorise CJI** to appoint **other place as seat of SC but**

**only with the prior approval** of president.

3. Vice President suggested setting up of four Regional Benches of SC.

**Procedure of the court**

1. **Supreme Court** with **approval of President**, make rules for regulating practice & procedure of court.

2. **Constitutional cases** made by President under **Article 143,** decided by bench consisting of

**5 judges**.

3. **Other cases** — decided by bench not less than **3 judges.**

**Independence of SC**

1. **Mode of appointment** — Collegium system

2. **Tenure security** — The judges not hold office by pleasure of President & removed only by Constitutional procedure.

3. **Fixed service condition** — Determined by Parliament but can't be changed to their disadvantage except Financial emergency.

4. **Expenses charged on Consolidate fund of India** — salaries, allowance, pension of judges & staff and admin expenses are charged by consolidate fund of India.

5. **Judges conduct can't be discuss** — except in impeachment.

6. **Ban on practice after retirement** — prohibited from pleading in any court or before any authority within India.

7. **Power to punish for its contempt** — actions or decision can't be criticised by any body.

**Court of record:**

**It has 2 powers**

**According to Article 129** SC is a court of record and it holds all the **powers to punish**

**for contempt of itself**.

1. **Judgement**, acts of SC have **evidentary value** & **can't be questioned** when produced before court.

2. Power to punish for **contempt of court** n't only of itself but also of HCs, subordinate courts, tribunal.

a. **Civil Contempt**: When someone willfully disobey the judgement, order, writ, etc issued by SC.

b. **Criminal Contempt:** publication of matter which is scandalous, lowers court authority, interfere with judicial proceedings, or obstructs admin of justice.

3. **\*Contempt of court is defined under Contempt of court act 1971 not under**

**Art 129**. It also provide for punishment etc. Thus, Contempt of court (CoC) have both constitutional & statutory backing.

\*Anyone can file CoC case but it required permission of Attorney General of India or Solicitor General of India. Also, court may act on its own (suo moto).

**Power of Jurisdiction of SC:**

1. Examine constitutionality of executive orders (both Central and State) and legislative enactments.

2. Why — Because SC uphold supremacy of Constitution and maintain equilibrium between Centre and State, protect Fundamental Rights.

**Other Powers of SC**

1. Decides on **disputes** of **election of President, Vice President** — original authority (not

jurisdiction), exclusive & final.

2. Enquire into conduct & behaviour of **UPSC** member on reference made by **President** —

Advice tendered is **binding** on President.

3. **Article 137**: Power to review its own judgement (conferred by Constitution unlike HC -

power to review but n't conferred by Constitution).

4. Authorised to withdraw cases pending before HC & dispose them by itself. Can also **transfer** a **case** from **one HC to another HC**.

5. **Article 141**: It's law binding on all court (Basic Structure).

6. Power of judicial superintendence and control over all courts & tribunals.

7. SC is the ultimate interpreter of Constitution.

SC's power & jurisdiction

-> w.r.t union list can be enlarged by Parliament.

-> w.r.t other matters can be enlarged by special arrangement between Centre and State.

**Important Articles in News**

1. **Article 124**: Establishment of SC — Parliament increase no. of judges from 31 to 34.

2. **Article 129**: SC as court of record — civil & crime COC.

3. **Article 136**: Special Leave.

4. **Article 137**: SC power to review its own judgements. Subject to any law made by

Parliament or any rules made under Art 145, SC have power to review any judgement or order made by it.

5. **Article 141**: Law declared by SC binding on all courts.

6. **Article 142**: **Enforcement of decrees & orders of SC**.

7. **Article 143**: President power to consult SC.

**Important Questions:**

Q1: Which of the following part of constitution deals with Supreme Court of India?

1. Part VII
2. Part VI
3. Part IV
4. Part V

**Answer:** D

Q2: Which of the following is the highest court of appeal in India?

1. High court
2. Supreme court
3. Appellant court
4. District court

Answer: B

Q3: Which of the following is the Guardian of Constitution?

1. President
2. Prime minister
3. Supreme court
4. Attorney general of India

**Answer: C**

Q4: Which of the following article is related to strength of Supreme court judges?

1. Article 142
2. Article 124
3. Article 242
4. Article 82

**Answer: B**

Q5: Under which article president has the power to consult with Supreme court?

1. Article 143
2. Article 124
3. Article 243
4. Article 132

**Answer: A**

Q6: Which article give the power to SC to review its own Judgement?

1. Article 143
2. Article 124
3. Article 137
4. Article 121

**Answer: C**

Q7: Which article says that SC is a court of record?

1. Article 191
2. Article 124
3. Article 132
4. Article 129

**Answer: D**

Q8: Which of the following is the interpreter of the constitution?

1. President
2. Parliament
3. Supreme Court
4. Loksabha

Answer: C

Q9: The dispute related to Election of president is decided by which of the following?

1. Supreme court
2. Loksabha
3. Rajyasabha
4. Parliament

**Answer: A**

Q10: The supremacy of constitution is uphold by which of the following?

1. Loksabha
2. President
3. Supreme court
4. Rajyasabha

**Answer: C**

Q11: Which article authorise Chief Justice of India to appoint other places as seat of SC?

A. Article 191  
B. Article 130   
C. Article 132   
D. Article 230  
Answer: B

Q12: To become a supreme court judge, a person have to be a judge of highcourt for how many years?

1. 15 yrs
2. 5 yrs
3. 7 yrs
4. 10 yrs

**Answer: A**

**Q13:** To become a supreme court judge, a person have to be Advocate of highcourt for how many years?

1. 15 yrs
2. 5 yrs
3. 7 yrs
4. 10 yrs

**Answer: D**

Q14: The Judges of Supreme court are appointed by which procedure?

1. On Seniority
2. Collegium system
3. By promotion
4. On the recommendation of president

**Answer: B**

Q15: Who decide the Salary and allowances of Judges of Supreme court?

1. Loksabha
2. Rajyasabha
3. Parliament
4. Union government

Answer: C