

Module

2 & 3

POWERS & FUNCTIONS OF HIGH COURT

As a Court of Record

- High Courts are also Courts of Record (like the Supreme Court).
- The records of the judgements of the High Courts can be used by subordinate courts for deciding cases.
- All High Courts have the power to punish all cases of contempt by any person or institution.

Administrative Powers

- 1.It superintends and controls all the subordinate courts.
- 2.It can ask for details of proceedings from subordinate courts.
- 3.It issues rules regarding the working of the subordinate courts.
- 4.It can transfer any case from one court to another and can also transfer the case to itself and decide the same.
- 5.It can enquire into the records or other connected documents of any subordinate court.
- 6.It can appoint its administration staff and determine their



Power of Judicial Review

- High Courts have the power of judicial review. They have the power to declare any law or ordinance unconstitutional if it is found to be against the Indian Constitution.

Power of Certification

- A High Court alone can certify the cases fit for appeal before the Supreme Court.

SUPREME COURT

- The Federal Court of India was created as per the [Government of India Act 1935](#).
- This court settled disputes between provinces and federal states and heard appeals against judgements of the high courts.
- After independence, the Federal Court and the Judicial Committee of the Privy Council were replaced by the Supreme Court of India, which came into being in January 1950.
- The Constitution of 1950 envisaged a Supreme Court with one Chief Justice and 7 puisne Judges.
- The number of SC judges was increased by the Parliament and currently, there are 34 judges including the Chief Justice of India (CJI).

Functions of Supreme Court

- It takes up appeals against the verdicts of the High Courts, other courts and tribunals.
- It settles disputes between various government authorities, between state governments, and between the centre and any state government.
- It also hears matters which the President refers to it, in its advisory role.
- The SC can also take up cases suo moto (on its own) .
- The law that SC declares is binding on all the courts in India and on the Union as well as the state governments.

Conditions to Presidential office Election

1. He cannot be a member of Lok Sabha and Rajya Sabha. If he has been a member of either of the house, he should vacate the seat on his first day as President in the office
 2. He should not hold any office of profit
 3. For his residence, Rashtrapati Bhavan is provided to him without the payment of rent
 4. Parliament decides his emoluments, allowances and privileges
 5. Parliament cannot diminish his emoluments and allowances during his term of office
 6. He is given immunity from any criminal proceedings, even in respect of his personal acts
- Arrest or imprisonment of the President cannot take place. Only civil proceedings can be initiated for his personal acts that too after giving two months' of prior notice

Executive powers of President

1. For every executive action that the Indian government takes, is to be taken in his name
2. He may/may not make rules to simplify the transaction of business of the central government
3. He appoints the Attorney General of India and determines his remuneration
4. He appoints the following people:
 1. Comptroller and Auditor General of India (CAG)
 2. Chief Election Commissioner and other Election Commissioners
 3. Chairman and members of the Union Public Service Commission
 4. State Governors
 5. Finance Commission of India chairman and members
5. He seeks administrative information from the Union government
6. He requires PM to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council
7. He appoints National Commissions of:
 1. Scheduled Castes
 2. Scheduled Tribes
 3. Other Backward Classes
8. He appoints inter-state council
9. He appoints administrators of union territories
10. He can declare any area as a scheduled area and has powers with respect to the administration of scheduled areas and tribal areas

Judicial Powers of President

1. Appointment of Chief Justice and Supreme Court/High Court Judges are on him
2. He takes advice from the Supreme Court, however, the advice is not binding on him
3. He has **pardoning power**: Under article 72, he has been conferred with power to grant pardon against punishment for an offence against union law, punishment by a martial court, or death sentence.

Legislative Powers of President

1. He summons or prorogues Parliament and dissolve the Lok Sabha
2. He summons a joint sitting of Lok Sabha and Rajya Sabha in case of deadlock
3. He addresses the Indian Parliament at the commencement of the first session after every general election
4. He appoints speaker, deputy speaker of Lok Sabha, and chairman/deputy chairman of Rajya Sabha when the seats fall vacant
5. He nominates 12 members of the Rajya Sabha
6. He can nominate two members to the Lok Sabha from the Anglo-Indian Community
7. He consults the Election Commission of India on questions of disqualifications of MPs.
8. He recommends/ permits the introduction of certain types of bill
9. He promulgates ordinances

Financial Powers of President

1. To introduce the Money Bill, his prior recommendation is a must
2. He causes Union Budget to be laid before the Parliament
3. To make a demand for grants, his recommendation is a pre-requisite
4. Contingency Fund of India is under his control
5. He constitutes the Finance Commission every five years

Duties of District Magistrate

- It is his duty to maintain peace and order in the district.
- He supervises the activities of other Additional magistrates under him in the district.
- It is his duty to maintain law and order within the district and also to take all the necessary actions under the preventive section of the criminal procedure code. This concerns the question of public safety, the protection of the citizens and all of his rights within the district.
- In certain cases, he may hear and decide the criminal cases, if so empowered by the State Government. Thus, the administration of criminal and civil justice may also fall under his jurisdiction.
- The District Magistrate controls the police department of the district that is under him and supervises the activities of the subordinate executive magistrates.
- He submits the annual criminal report to the government.
- He supervises the district Police Stations at least once in a year and recommends the cases for passport and visa and takes care of the movement of the foreigners within the district.
- He looks after all the election works within the district, appoints the public prosecutor of the district, gives or issues certificates to the persons belong to the Schedule Caste, Schedule Tribes and other backward communities and to the freedom fighters, appoint the village Chowkidar and punishes him for breach of discipline etc.
- As the Chief Executive Officer of the district it is the duty of the District Magistrate to implement the posting transfer and to grant the leaves of different gazetted officers within the district to implement various government orders, to submit the budget of the district to the government.