Indian Judiciary

By

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What Is Judiciary ?

- The **judiciary** (also known as the **judicial system**, **judicature**, **judicial branch**, **judiciative branch**, and **court or judiciary system**) is the system of Courts that adjudicates legal disputes and interprets, defends, and applies the law in legal cases.

Supreme Court of India

Introduction

- Unlike the American Constitution, the Indian Constitution
- has established an integrated judicial system with the
- Supreme Court at the top and the high courts below it.
- Under a high court (and below the state level), there is a hierarchy
- of subordinate courts, that is, district courts and other lower
- courts.
- The Supreme Court of India was inaugurated on January 28,
- 1950. It succeeded the Federal Court of India, established under
- the Government of India Act of 1935. However, the jurisdiction of
- the Supreme Court is greater than that of its predecessor.

- At present, the Supreme Court consists of thirty-four judges (one chief justice and thirty three other judges). In 2019, the centre notified an increase in the number of Supreme Court judges from thirty-one to thirty-four, including the Chief Justice of India. This followed the enactment of the Supreme Court (Number of Judges) Amendment Act, 2019. Originally, the strength of the Supreme Court was fixed at eight (one chief justice and seven other judges). The Parliament has increased this number of other judges progressively to ten in 1956, to thirteen in 1960, to seventeen in 1977, to twenty-five in 1986, to thirty in 2008 and to thirty-three in 2019.

- The judges of the Supreme Court are appointed by the president. The chief justice is appointed by the president after consultation with such judges of the Supreme Court and high courts as he deems necessary. The other judges are appointed by president after consultation with the chief justice and such other judges of the Supreme Court and the high courts as he deems necessary. The consultation with the chief justice is obligatory in the case of appointment of a judge other than Chief justice.

- From 1950 to 1973, the practice has been to appoint the seniormost judge of the Supreme Court as the chief justice of India. This established convention was violated in 1973 when A.N. Ray was appointed as the Chief Justice of India by superseding three senior judges.3 Again in 1977, M.U. Beg was appointed as the chief justice of India by superseding the then senior-most judge.4 This discretion of the government was curtailed by the Supreme Court in the Second Judges Case (1993), in which the Supreme Court ruled that the seniormost judge of the Supreme Court should alone be appointed to the office of the chief justice of India.

- A person to be appointed as a judge of the Supreme Court should have the following qualifications:
- 1. He should be a citizen of India.
- 2. (a) He should have been a judge of a High Court (or high courts in succession) for five years; or (b) He should have been an advocate of a High Court (or High Courts in succession) for ten years; or (c) He should be a distinguished jurist in the opinion of the president. From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a judge of the Supreme Court.

- A person appointed as a judge of the Supreme Court, before entering upon his Office, has to make and subscribe an oath or affirmation before the President, or some person appointed by him for this purpose. In his oath, a judge of the Supreme Court swears:
- 1. to bear true faith and allegiance to the Constitution of India;
- 2. to uphold the sovereignty and integrity of India;
- 3. to duly and faithfully and to the best of his ability, knowledge and judgement perform the duties of the Office without fear or favour, affection or ill-will; and
- 4. to uphold the Constitution and the laws.

- The Constitution has not fixed the tenure of a judge of the Supreme Court. However, it makes the following three provisions in this regard:
- 1. He holds office until he attains the age of 65 years. Any question regarding his age is to be determined by such authority and in such manner as provided by Parliament.
- 2. He can resign his office by writing to the president.
- 3. He can be removed from his office by the President on the recommendation of the Parliament.

- A judge of the Supreme Court can be removed from his Office by an order of the president. The President can issue the removal order only after an address by Parliament has been presented to him in the same session for such removal.5 The address must be supported by a special majority of each House of Parliament (ie, a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting). The grounds of removal are two–proved misbehaviour or incapacity.

- Ad hoc Judge When there is a lack of quorum of the permanent judges to hold or continue any session of the Supreme Court, the Chief Justice of India can appoint a judge of a High Court as an ad hoc judge of the Supreme Court for a temporary period. He can do so only after consultation with the chief justice of the High Court concerned and with the previous consent of the president. The judge so appointed should be qualified for appointment as a judge of the Supreme Court. It is the duty of the judge so appointed to attend the sittings of the Supreme Court, in priority to other duties of his office. While so attending, he enjoys all the jurisdiction, powers and privileges (and discharges the duties) of a judge of the Supreme Court.

- Retired Judge At any time, the chief justice of India can request a retired judge of the Supreme Court or a retired judge of a high court (who is duly qualified for appointment as a judge of the Supreme Court) to act as a judge of the Supreme Court for a temporary period. He can do so only with the previous consent of the president and also of the person to be so appointed. Such a judge is entitled to such allowances as the president may determine. He will also enjoy all the jurisdiction, powers and privileges of a judge of Supreme Court. But, he will not otherwise be deemed to be a judge of the Supreme Court.

- The jurisdiction and powers of the Supreme Court can be classified into the following: 1. Original Jurisdiction. 2. Writ Jurisdiction. 3. Appellate Jurisdiction. 4. Advisory Jurisdiction. 5. A Court of Record. 6. Power of Judicial Review. 7. Constitutional Interpretation 8. Other Powers.

- Original Jurisdiction
- As a federal court, the Supreme Court decides the disputes between different units of the Indian Federation. More elaborately, any dispute: (a) Between the Centre and one or more states; or (b) Between the Centre and any state or states on one side and one or more other states on the other side; or (c) Between two or more states. In the above federal disputes, the Supreme Court has exclusive original jurisdiction. Exclusive means, no other court can decide such disputes and original means, the power to hear such disputes in the first instance, not by way of appeal.

- Writ Jurisdiction
- The Constitution has constituted the Supreme Court as the guarantor and defender of the fundamental rights of the citizens. The Supreme Court is empowered to issue writs including habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of the fundamental rights of an aggrieved citizen. In this regard, the Supreme Court has original jurisdiction in the sense that an aggrieved citizen can directly go to the Supreme Court, not necessarily by way of appeal. However, the writ jurisdiction of the Supreme Court is not exclusive.

- Appellate Jurisdiction
- As mentioned earlier, the Supreme Court has not only succeeded the Federal Court of India but also replaced the British Privy Council as the highest court of appeal. The Supreme Court is primarily a court of appeal and hears appeals against the judgements of the lower courts. It enjoys a wide appellate jurisdiction which can be classified under four heads: (a) Appeals in constitutional matters. (b) Appeals in civil matters. (c) Appeals in criminal matters. (d) Appeals by special leave.

- Advisory Jurisdiction
- The Constitution (Article 143) authorises the president to seek the opinion of the Supreme Court in the two categories of matters: (a) On any question of law or fact of public importance which has arisen or which is likely to arise. (b) On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments.

- Judicial review is the power of the Supreme Court to examine the constitutionality of legislative enactments and executive orders of both the Central and state governments. On examination, if they are found to be violative of the Constitution (ultra-vires), they can be declared as illegal, unconstitutional and invalid (null and void) by the Supreme Court. Consequently, they cannot be enforced by the Government.

- **Constitutional Interpretation :** The Supreme Court is the ultimate interpreter of the Constitution. It can give final version to the spirit and content of the provisions of the constitution and the verbiage used in the constitution.
- While interpreting the constitution, the Supreme Court is guided by a number of doctrines. In other words, the Supreme Court applies various doctrines in interpreting the constitution.

- Besides , the Supreme Court has numerous other powers:
- (a) It decides the disputes regarding the election of the president and the vicepresident. In this regard, it has the original, exclusive and final authority.
- (b) It enquires into the conduct and behaviour of the chairman and members of the Union Public Service Commission on a reference made by the president. If it finds them guilty of misbehaviour, it can recommend to the president for their removal. The advice tendered by the Supreme Court in this regard is binding on the President.
- (c) It has power to review its own judgement or order. Thus, it is not bound by its previous decision and can depart from it in the interest of justice or community welfare. In brief, the Supreme Court is a self-correcting agency. For example, in the Kesavananda Bharati case (1973), the Supreme Court departed from its previous judgement in the Golak Nath case (1967).

- (d) It is authorised to withdraw the cases pending before the high courts and dispose them by itself. It can also transfer a case or appeal pending before one high court to another high court.
- (e) Its law is binding on all courts in India. Its decree or order is enforceable throughout the country. All authorities (civil and judicial) in the country should act in aid of the Supreme Court.
- (f) It has power of judicial superintendence and control over all the courts and tribunals functioning in the entire territory of the country.

SUPREME COURT ADVOCATES

- 1. Senior Advocates : These are Advocates who are designated as Senior Advocates by the Supreme Court of India or by any High Court. The Court can designate any Advocate, with his consent, as Senior Advocate if in its opinion by virtue of his ability, standing at the Bar or special knowledge or experience in law the said Advocate is deserving of such distinction. A Senior Advocate is not entitled to appear without an Advocate-on-Record in the Supreme Court or without a junior in any other court or tribunal in India. He is also not entitled to accept instructions to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any court or tribunal in India or undertake conveyancing work of any kind whatsoever but this prohibition shall not extend to settling any such matter as aforesaid in consultation with a junior.
- 2. Advocates-on-Record : Only these advocates are entitled to file any matter or document before the Supreme Court. They can also file an appearance or act for a party in the Supreme Court.
- 3. Other Advocates : These are advocates whose names are entered on the roll of any State Bar Council maintained under the Advocates Act, 1961 and they can appear and argue any matter on behalf of a party in the Supreme Court but they are not entitled to file any document or matter before the Court.

- Seat of Supreme Court The Constitution declares Delhi as the seat of the Supreme Court. But, it also authorises the chief justice of India to appoint other place or places as seat of the Supreme Court. He can take decision in this regard only with the approval of the President. This provision is only optional and not compulsory. This means that no court can give any direction either to the President or to the Chief Justice to appoint any other place as a seat of the Supreme Court.

- INDEPENDENCE OF SUPREME COURT
- The Supreme Court has been assigned a very significant role in the Indian democratic political system. It is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and guardian of the Constitution. Therefore, its independence becomes very essential for the effective discharge of the duties assigned to it. It should be free from the encroachments, pressures and interferences of the executive (council of ministers) and the Legislature (Parliament). It should be allowed to do justice without fear or favour. The Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the Supreme Court:
- 1. Mode of Appointment The judges of the Supreme Court are appointed by the President (which means the cabinet) in consultation with the members of the judiciary itself (ie, judges of the Supreme Court and the high courts). This provision curtails the absolute discretion of the executive as well as ensures that the judicial appointments are not based on any political or practical considerations.
- 2. Security of Tenure The judges of the Supreme Court are provided with the Security of Tenure. They can be removed from office by the President only in the manner and on the grounds mentioned in the Constitution. This means that they do not hold their office during the pleasure of the President, though they are appointed by him. This is obvious from the fact that no judge of the Supreme Court has been removed (or impeached) so far.
- 3. Fixed Service Conditions The salaries, allowances, privileges, leave and pension of the judges of the Supreme Court are determined from time to time by the Parliament. They cannot be changed to their disadvantage after their appointment except during a financial emergency

- 4. Expenses Charged on Consolidated Fund The salaries, allowances and pensions of the judges and the staff as well as all the administrative expenses of the Supreme Court are charged on the Consolidated Fund of India. Thus, they are non-votable by the Parliament (though they can be discussed by it).
- 5. Conduct of Judges cannot be Discussed The Constitution prohibits any discussion in Parliament or in a State Legislature with respect to the conduct of the judges of the Supreme Court in the discharge of their duties, except when an impeachment motion is under consideration of the Parliament.
- 6. Ban on Practice after Retirement The retired judges of the Supreme Court are prohibited from pleading or acting in any Court or before any authority within the territory of India. This ensures that they do not favour any one in the hope of future favour.
- 7. Power to Punish for its Contempt The Supreme Court can punish any person for its contempt. Thus, its actions and decisions cannot be criticised and opposed by any body. This power is vested in the Supreme Court to maintain its authority, dignity and honour.
- 8. Freedom to Appoint its Staff The Chief Justice of India can appoint officers and servants of the Supreme Court without any interference from the executive. He can also prescribe their conditions of service.
- 9. Its Jurisdiction cannot be Curtailed The Parliament is not authorised to curtail the jurisdiction and powers of the Supreme Court. The Constitution has guaranteed to the Supreme Court, jurisdiction of various kinds. However, the Parliament can extend the same.
- 10. Separation from Executive The Constitution directs the State to take steps to separate the Judiciary from the Executive in the public services. This means that the executive authorities should not possess the judicial powers. Consequently, upon its implementation, the role of executive authorities in judicial administration came to an end.

HIGH COURTS

- In the Indian single integrated judicial system, the high court operates below the Supreme Court but above the subordinate courts. The judiciary ina state consists of a high court and a hierarchy of subordinate courts. The high court occupies the top position in the judicial administration of a state.
- The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras1. In 1866, a fourth high court was established at Allahabad. In the course of time, each province in British India came to have its own high court. After 1950, a high court existing in a province became the high court for the corresponding state.
- The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory. The territorial jurisdiction of a high court is co-terminus with the territory of a state

- At present (2019), there are 25 high courts in the country.
- Articles 214 to 231 in Part VI of the Constitution deal with the organisation, independence, jurisdiction, powers, procedures and so on of the high courts.

- Appointment of Judges The judges of a high court are appointed by the President. The chief justice is appointed by the President after consultation with the chief justice of India and the governor of the state concerned. For appointment of other judges, the chief justice of the concerned high court is also consulted. In case of a common high court for two or more states, the governors of all the states concerned are consulted by the president. In the Second Judges case3 (1993), the Supreme Court ruled that no appointment of a judge of the high court can be made, unless it is in conformity with the opinion of the chief justice of India. In the Third Judges case4 (1998), the Supreme Court opined that in case of the appointment of high court judges, the chief justice of India should consult a collegium of two senior-most judges of the Supreme Court. Thus, the sole opinion of the chief justice of India alone does not constitute the 'consultation' process. The 99th Constitutional Amendment Act of 2014 and the National Judicial Appointments Commission Act of 2014 have replaced the Collegium System of appointing judges to the Supreme Court and High Courts with a new body called the National Judicial Appointments Commission (NJAC). However, in 2015, the Supreme Court has declared both the 99th Constitutional Amendment as well as the NJAC Act as unconstitutional and void. Consequently, the earlier collegium system became operative again

Qualifications of Judges A person to be appointed as a judge of a high court, should have the following qualifications:

- 1. He should be a citizen of India.
- 2. (a) He should have held a judicial office in the territory of India for ten years; or (b) He should have been an advocate of a high court (or high courts in succession) for ten years.
- From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a judge of a high court. Moreover, unlike in the case of the Supreme Court, the Consitution makes no provision for appointment of a distinguished jurist as a judge of a high court.

Oath or Affirmation : A person appointed as a judge of a high court, before entering upon his office, has to make and subscribe an oath or affirmation before the governor of the state or some person appointed by him for this purpose. In his oath, a judge of a high court swears:

- 1. to bear true faith and allegiance to the Constitution of India;
- 2. to uphold the sovereignty and integrity of India;
- 3. to duly and faithfully and to the best of his ability, knowledge and judgement perform the duties of the office without fear or favour, affection or ill-will; and
- 4. to uphold the Constitution and the laws.

- Tenure of Judges
- The Constitution has not fixed the tenure of a judge of a high court. However, it makes the following four provisions in this regard:
- 1. He holds office until he attains the age of 62 years5. Any questions regarding his age is to be decided by the president after consultation with the chief justice of India and the decision of the president is final.
- 2. He can resign his office by writing to the president.
- 3. He can be removed from his office by the President on the recommendation of the Parliament.
- 4. He vacates his office when he is appointed as a judge of the Supreme Court or when he is transferred to another high court.

- Removal of Judges :
- A judge of a high court can be removed from his office by an order of the President. The President can issue the removal order only after an address by the Parliament has been presented to him in the same session for such removal. The address must be supported by a special majority of each House of Parliament (i.e., a majority of the total membership of that House and majority of not less than two-thirds of the members of that House present and voting). The grounds of removal are two–proved misbehaviour or incapacity. Thus, a judge of a high court can be removed in the same manner and on the same grounds as a judge of the Supreme Court. The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of a high court by the process of impeachment:
- 1. A removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/Chairman.
- 2. The Speaker/Chairman may admit the motion or refuse to admit it.

- 3. If it is admitted, then the Speaker/ Chairman is to constitute a three-member committee to investigate into the charges.
- 4. The committee should consist of (a) the chief justice or a judge of the Supreme Court, (b) a chief justice of a high court, and (c) a distinguished jurist.
- 5. If the committee finds the judge to be guilty of misbehaviour or suffering from an incapacity, the House can take up the consideration of the motion.
- 6. After the motion is passed by each House of Parliament by special majority, an address is presented to the president for removal of the judge.
- 7. Finally, the president passes an order removing the judge

Transfer of Judges

- The President can transfer a judge from one high court to another after consulting the Chief Justice of India. On transfer, he is entitled to receive in addition to his salary such compensatory allowance as may be determined by Parliament.

- Acting Chief Justice
- The President can appoint a judge of a high court as an acting chief justice of the high court when:
- 1. the office of chief justice of the high court is vacant; or
- 2. the chief justice of the high court is temporarily absent; or
- 3. the chief justice of the high court is unable to perform the duties of his office.
- Additional and Acting Judges
- The President can appoint duly qualified persons as additional judges of a high court for a temporary period not exceeding two years when:
- 1. there is a temporary increase in the business of the high court; or
- 2. there are arrears of work in the high court.

- An acting judge holds office until the permanent judge resumes his office. However, both the additional or acting judge cannot hold office after attaining the age of 62 years.

Retired Judges

- At any time, the chief justice of a high court of a state can request a retired judge of that high court or any other high court to act as a judge of the high court of that state for a temporary period. He can do so only with the previous consent of the President and also of the person to be so appointed. Such a judge is entitled to such allowances as the President may determine. He will also enjoy all the jurisdiction, powers and privileges of a judge of that high court.

- Like the Supreme Court, the high court has been vested with quite extensive and effective powers. It is the highest court of appeal in the state. It is the protector of the Fundamental Rights of the citizens. It is vested with the power to interpret the Constitution. Besides, it has supervisory and consultative roles.
- At present, a high court enjoys the following jurisdiction and powers:
- 1. Original jurisdiction.
- 2. Writ jurisdiction.
- 3. Appellate jurisdiction.
- 4. Supervisory jurisdiction.
- 5. Control over subordinate courts.
- 6. A court of record.
- 7. Power of judicial review.

- Original Jurisdiction It means the power of a high court to hear disputes in the first instance, not by way of appeal. It extends to the following:
- (a) Matters of admirality and contempt of court.
- (b) Disputes relating to the election of members of Parliament and state legislatures.
- (c) Regarding revenue matter or an act ordered or done in revenue collection.
- (d) Enforcement of fundamental rights of citizens.
- (e) Cases ordered to be transferred from a subordinate court involving the interpretation of the Constitution to its own file.
- (f) The four high courts (i.e., Calcutta, Bombay, Madras and Delhi High Courts) have original civil jurisdiction in cases of higher value.

Writ Jurisdiction

- Article 226 of the Constitution empowers a high court to issue writs including habeas corpus, mandamus, certiorari, prohibition and quo warranto for the enforcement of the fundamental rights of the citizens and for any other purpose.
- The phrase 'for any other purpose' refers to the enforcement of an ordinary legal right. The high court can issue writs to any person, authority and government not only within its territorial jurisdiction but also outside its territorial jurisdiction if the cause of action arises within its territorial jurisdiction .
- The writ jurisdiction of the high court (under Article 226) is not exclusive but concurrent with the writ jurisdiction of the Supreme Court (under Article 32).
- It means, when the fundamental rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly. However, the writ jurisdiction of the high court is wider than that of the Supreme Court. This is because, the Supreme Court can issue writs only for the enforcement of fundamental rights and not for any other purpose, that is, it does not extend to a case where the breach of an ordinary legal right is alleged.

- Appellate Jurisdiction
- A high court is primarily a court of appeal. It hears appeals against the judgements of subordinate courts functioning in its territorial jurisdiction. It has appellate jurisdiction in both civil and criminal matters. Hence, the appellate jurisdiction of a high court is wider than its original jurisdiction.

Civil Matters The civil appellate jurisdiction of a high court is as follows:

- (i) First appeals from the orders and judgements of the district courts, additional district courts and other subordinate courts lie directly to the high court, on both questions of law and fact, if the amount exceeds the stipulated limit.
- (ii) Second appeals from the orders and judgements of the district court or other subordinate courts lie to the high court in the cases involving questions of law only (and not questions of fact).
- (iii) The Calcutta, Bombay and Madras High Courts have provision for intra-court appeals. When a single judge of the high court has decided a case (either under the original or appellate jurisdiction of the high court), an appeal from such a decision lies to the division bench of the same high court.
- (iv) Appeals from the decisions of the administrative and other tribunals lie to the division bench of the state high court. In 1997, the Supreme Court ruled that the tribunals are subject to the writ jurisdiction of the high courts. Consequently, it is not possible for an aggrieved person to approach the Supreme Court directly against the decisions of the tribunals, without first going to the high courts.

Criminal Matters The criminal appellate jurisdiction of a high court is as follows:

(i) Appeals from the judgements of sessions court and additional sessions court lie to the high court if the sentence is one of imprisonment for more than seven years. It should also be noted here that of death sentence (popularly known as capital punishment) awarded by a sessions court or an additional sessions court should be confirmed by the high court before it can be executed, whether there is an appeal by the convicted person or not.

(ii) In some cases specified in various provisions of the Criminal Procedure Code (1973), the appeals from the judgements of the assistant sessions judge, metropolitan magistrate or other magistrates (judicial) lie to the high court.

- Supervisory Jurisdiction
- A high court has the power of superintendence over all courts and tribunals functioning in its territorial jurisdiction (except military courts or tribunals).
- Thus, it may :
- (a) call for returns from them;
- (b) make and issue, general rules and prescribe forms for regulating the practice and proceedings of them;
- (c) prescribe forms in which books, entries and accounts are to be kept by them; and
- (d) settle the fees payable to the sheriff, clerks, officers and legal practitioners of them.

Control over Subordinate Courts

- In addition to its appellate jurisdiction and supervisory jurisdiction over the subordinate courts as mentioned above, a high court has an administrative control and other powers over them. These include the following:
- (a) It is consulted by the governor in the matters of appointment, posting and promotion of district judges and in the appointments of persons to the judicial service of the state (other than district judges).
- (b) It deals with the matters of posting, promotion, grant of leave, transfers and discipline of the members of the judicial service of the state (other than district judges).
- (c) It can withdraw a case pending in a subordinate court if it involves a substantial question of law that require the interpretation of the Constitution. It can then either dispose of the case itself or determine the question of law and return the case to the subordinate court with its judgement.
- (d) Its law is binding on all subordinate courts functioning within its territorial jurisdiction in the same sense as the law declared by the Supreme Court is binding on all courts in India.

A Court of Record

- As a court of record, a high court has two powers:
- (a) The judgements, proceedings and acts of the high courts are recorded for perpetual memory and testimony. These records are admitted to be of evidentiary value and cannot be questioned when produced before any subordinate court. They are recognised as legal precedents and legal references.
- (b) It has power to punish for contempt of court, either with simple imprisonment or with fine or with both. The expression 'contempt of court' has not been defined by the Constitution

- Power of Judicial Review
- Judicial review is the power of a high court to examine the constitutionality of legislative enactments and executive orders of both the Central and state governments.
- Though the phrase 'judicial review' has no where been used in the Constitution, the provisions of Articles 13 and 226 explicitly confer the power of judicial review on a high court. The constitutional validity of a legislative enactment or an executive order can be challenged in a high court on the following three grounds:
- (a) it infringes the fundamental rights (Part III),
- (b) it is outside the competence of the authority which has framed it, and
- (c) it is repugnant to the constitutional provisions.

- The 42nd Amendment Act of 1976 curtailed the judicial review power of high court. It debarred the high courts from considering the constitutional validity of any central law. However, the 43rdAmendment Act of 1977 restored the original position.

Thank You