

# **The Supreme Court of India: Composition, Power and Jurisdiction**

It is the highest court of justice in India. It is the final platform for appeal in India. That is why it is the most relevant topic for law exams and UPSC exams. Every judgement passed by the Supreme Court is final and binding to all other courts. In this article, we will discuss the composition, powers, jurisdiction and functions of the Supreme Court of India.

## **The Supreme Court of India**

The Supreme Court is the apex court in the Indian judiciary. There is no court above the Supreme Court. It has the highest authority to uphold the provisions of the constitution of India, to protect the rights of the citizen of India and to protect the rule of law. The constitution of India provides the **Independence of Judiciary** by giving the hierarchical setup which contains High Courts and other subordinates courts.

## **History of the Supreme Court of India**

Previously, the federal court of India was created under the Government of India Act, 1935. It was considered as the apex court during the British time. This court was used to settle the disputes between the federal states and provinces. This court was also used to hear the appeals against the judgements given by High Courts.

After the independence of India, all the courts like Privy Council and federal court were replaced by the Supreme Court of India. It came into existence in January 1950. At that time there were 7 judges with the chief justice.

The constitution of India is the supreme law of the land and it contains the provisions which are enforced by the law. But without any enforcement of the law, the provisions given under the constitution were meaningless. That's why the judiciary is independent so that it can interpret the laws given under the constitution of India. Now, we can say that the supreme court of India works as the guardian of the constitution of India and all the fundamental rights given to the citizens of India.

## **Composition of Supreme Court**

The article 124(1) of the constitution of India says that there shall be one Supreme Court in India, which shall consist the Chief Justice of India, and other 34 judges including the Chief Justice of India.

- The judges sit in benches of 2 or 3 is called a Division Bench
- The judges sit in benches of 5 or more is called a Constitutional Bench at the time where there is a matter of fundamental questions of the law.

## **Bench to Decide the Cases**

All the cases related to the Constitution of India shall be decided by the five judge's bench whereas the other cases are decided by at least three judges bench.

### **The seat of Supreme Court**

Delhi is declared as the seat of SC of India. Though the CJI has the power to assign any place or places as the seat of Supreme Court because this is an optional not mandatory.

### **Qualifications for the judges of Supreme Court of India:**

The conditions to become the judge of the Supreme Court are given under Article 124(3) of the Indian constitution.

- He must be a citizen of India. The person who is not a citizen of India cannot appear as a candidate for the judge of the Supreme Court of India.
- If he is an eminent jurist.
- The person must be the judge of a high court for at least five years or more.
- He has practised as an advocate in a high court of India or as an advocate of two or more High Court for at least 10 years.

### **Term of office of Judges of Supreme Court of India**

The judges of SC hold the office until he attains the age of 65 years.

### **Independence of Judiciary**

In India, the judiciary is known as the Independent. The constitution of India provides the independence of the judiciary. [Click to read the full article on Independence of judiciary.](#)

### **Jurisdiction of Supreme Court of India**

There are various types of the jurisdiction of SC:

#### **Original jurisdiction (Article-131)**

The SC has the original jurisdiction of several cases. These are the cases which cannot be heard by other courts of justice. It includes the cases.

- The case between Government of India and one or more states of India.
- The case where the government of India and any state of states are one party and other state or more than one state is a different party.
- A dispute arises between two or more states where the question is depending on the existence of the legal right.

### **Conditions to appeal in the Supreme Court in civil cases**

1. The civil case involves the substantial question of law
2. If the High Court opinion that the confliction arose in the case should be decided by the Supreme Court.

### **Conditions to appeal in the Supreme Court in criminal cases**

1. If the HC has reversed the acquittal order passed by session judge and give the death sentence to the accused.
2. If the HC has withdrawn a criminal case for trial from any subordinate court and passed the death sentence to the accused.
3. When the High court thinks that the case is fit for the appeal in the Supreme Court.

Normally, all the cases, where the interpretation of any article of the constitution is needed, the SC hears the appeal in those cases. The Supreme Court can also take the cases *suo-moto* (on its own).

### **Appellate jurisdiction (Article-132,133,134)**

The Supreme Court is the highest court of appeal in India. It has the appellate jurisdiction in all the cases of civil and criminal. All the cases decided in any high court of India have the jurisdiction to appeal in the Supreme Court. The appeal for the cases can come before the SC when High court issues a certificate for the effect.

### **Advisory jurisdiction (Article-143)**

The supreme court of India has advisory jurisdiction. The president of India can seek advice from the SC where the matter is legal and high public importance. The SC has the power to give the opinion to the President but the president of India is not bound with the decision.

### **The jurisdiction in case of fundamental rights**

The article 32 of the constitution of India has given the power to the Supreme Court to issue the writs for the enforcement of the fundamental rights given under the constitution of India. That's why the SC acts as the guardian of the fundamental rights given to the citizens of India.

## **Final interpreter for the constitution of India**

The constitution of India is the supreme law of the land in India. SC acts as the final guardian and interpreter of the Constitution. The SC has the power to reject any law which is unconstitutional. This is also known as the court's power of judicial review.

## **Powers of the Supreme Court**

- Power to punish for contempt of Court.
- **Power to review own judgements-** The Supreme Court is not binding to its own decisions. It has the powers to review, change or revise its own decision.
- **Appointment of ad hoc judges under** article-127
- **The jurisdiction in case of Electoral College** -The Electoral College is used for the election of the president and vice president of India. But if there is any confliction arises during the elections, the Supreme Court has the power to hear that case and the decision given by the Supreme Court will be final for the Electoral College.
- **Appointment of retired judges of SC or HC-** Article 128
- **Appointment of acting Chief Justice-**Article 126
- **Revisory Jurisdiction** under Article-137
- **As a court of records-**All, the cases decided in the Supreme Court are recorded. The decision passed by the Supreme Court has the binding on all the courts in India. All the High courts and other subordinate courts used the decisions and the judgements of the SC to decide the case related to the judgement. The judgement passed by the Supreme Court cannot be challenged by questioning.
- **Special leave to appeal-** The supreme court of India has the power to grant special leave of appeal against the judgement, decree, order passed by any court or tribunal of India.

## **The procedure of the Supreme Court**

- It has the power to make the rules regarding the functioning and procedures followed by all the courts in India.
- With the approval of the President of India, the SC can lay down the conditions and restrictions for its employees.
- When the office of president is vacant then it is the duty of the vice president to take the responsibility of president office. But if somehow, the vice president is not there, the Chief justice of India has the power to fill up the vacancy and can act as the president of India for that period of time.

## **Can Supreme Court overrule President India?**

The President of India cannot overrule the judgement passed by SC. It is the Parliament who can amend any law to overrule the Judgement of the Supreme Court. The President has the power to

pardon power even in the decision given by the supreme court of India. But technically, here the President is not overruling the Judgement, he only pardons the accused.

## **Conclusion**

So it can be said that the supreme court of India is the most powerful court in India with having the largest jurisdiction and the protector of the Constitution of India. It is playing an important role in the evolution of the constitution of India by interpreting its articles and by invalidating the unconstitutional laws.