

# Original Jurisdiction Of The Supreme Court - Indian Polity

## Jurisdiction Meaning

Jurisdiction is the authority given to a legal body like a court to administer justice within a defined field of responsibility.

The Supreme Court in India has three types of jurisdictions - **original, appellate and advisory** as provided in Articles 131, 133 - 136 and 143 respectively of the Indian Constitution.

## Original Jurisdiction of the SC in India

Original jurisdiction of a court refers to a matter for which the particular court is approached first. In the case of the Supreme Court in India, its original jurisdiction is covered under Article 131. It involves the following cases:

1. Any dispute between the Indian Government and one or more States.
2. Any dispute between the Indian Government and one or more States on one side and one or more States on the other side.
3. Any dispute between two or more States.
4. Article 32 of the Constitution provides original jurisdiction to the SC for matters regarding the enforcement of Fundamental Rights.
5. The SC can issue writs, directions, or orders including writs in the nature of mandamus, habeas corpus, quo warranto, prohibition and certiorari.
6. The SC also has the power to direct the transfer of a criminal or civil case from the High Court in one State to the High Court in another State.
7. It can also transfer cases from one subordinate court to another State High Court
8. If the SC deems that cases involving the same questions of law are pending before it and one or more High Courts, and that these are significant questions of law, it can withdraw the cases before the High Court or Courts and dispose off all these cases itself.
9. The Arbitration and Conciliation Act, 1996 gives the SC the authority to initiate international commercial arbitration.

## Appellate Jurisdiction

Under this, the Supreme Court can hear cases only when they are appealed against a High Court order.

## Advisory Jurisdiction

Under this, the President can request the Supreme Court to offer its opinion on any issue of law or fact.

## Review Jurisdiction

This is covered under Article 137 and it gives SC the authority to review its judgements. There are two grounds on which a review is permitted. They are as follows:

1. If there has been an apparent error on the face of record leading to perversity of judgement, or
2. If a new evidence has been uncovered which was not available earlier despite the best attempt by the

party or out of no fault of the party.

## **UPSC Questions related to Original Jurisdiction of the Supreme Court**

**What kinds of jurisdiction does the Supreme Court have?**

The SC has original, appellate, advisory and review jurisdiction.

**What is the original jurisdiction of the Supreme Court of India?**

Original jurisdiction of a court refers to a matter for which the particular court is approached first. In the case of the Supreme Court in India, its original jurisdiction is covered under Article 131.

**When did Supreme Court of India came into existence?**

28 January 1950

**Which high courts in India have original jurisdiction?**

In India, five High Courts (i.e., High Courts of Delhi, Bombay, Calcutta, Madras and Himachal Pradesh) have ordinary original civil jurisdiction.