

## Supreme Court of India - Indian Polity Notes

The Supreme Court of India is the country's highest judicial court. It is the final court of appeal in the country.

### Latest Updates related to the Indian Supreme Court:

1. On November 9, 2022, **Justice D.Y. Chandrachud** will take oath as the 50th Chief Justice of India.
2. 15th February 2021: Former Supreme Court Judge, Justice PB Sawant Passed Away on this day.
3. The Supreme Court is examining a petition relating to the Social Media Firm Facebook and its Messaging Application WhatsApp over their terms of service and privacy policy that were to be out on February 8th, 2021.
4. 13th February 2021: Statement from Supreme Court while dismissing a review petition on the anti-citizenship law protests held in Delhi's Shaheen Bagh in 2019 - "Right To Protest Cannot Be Anytime, Everywhere."

### Supreme Court History

- 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).

### Supreme Court of India - Functions

- 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.

### Supreme Court Jurisdiction

The jurisdiction of the SC is of three types:

1. Original
2. Advisory
3. Appellate

## Supreme Court Composition

- Including the CJI, there are 34 judges in the Supreme Court.
- The judges sit in benches of 2 or 3 (called a Division Bench) or in benches of 5 or more (called a Constitutional Bench) when there are matters of fundamental questions of the law to be decided.

## The Procedure of the Supreme Court of India

The Supreme Court of India has powers to consult the President to regulate the practice and procedure of the Court.

Constitutional cases are usually decided by a bench consisting of five judges whereas other cases are decided by a bench of at least three judges.

## The seat of Supreme Court

As per the Constitution of India, Delhi is declared as the seat of the Supreme Court of India. However, the Chief Justice of India has the power to assign another place (s) as the seat of the Supreme Court. This is only an optional provision and not mandatory.

## SC Judge Eligibility

As per Article 124, an Indian citizen who is below 65 years of age is eligible to be recommended for appointment as a judge of the SC if:

1. he/she has been a judge of one or more High Courts, for at least 5 years, or
2. he/she has been an advocate in one or more High Courts for at least 10 years, or
3. he/she is in the opinion of the President, a distinguished jurist.

## Independence of Judiciary

The Constitution has many provisions to ensure the judiciary's independence. They are discussed below:

1. **Security of tenure:** The judges of the SC are given security of tenure. Once appointed, they will retain their office until the age of 65 years. They can be removed only by a presidential order on grounds of proven misbehaviour and/or incapacity. This requires a Special Majority according to Article 368.  
**Salaries and allowances:** The judges of the SC enjoy good salaries and allowances and these cannot be decreased except in the case of a financial emergency. The expenses of the High Court are charged on the Consolidated Fund of the State, which is not subject to vote in the state legislature.
2. **Powers and Jurisdiction:** The SC's powers and jurisdiction can only be added by the Parliament and not be curtailed.
3. The conduct of any judge of the Supreme Court in the discharge of his/her duties cannot be discussed in the legislature.
4. The SC has the power to punish any person for its contempt, as per Article 129.
5. **Separation of the Judiciary from the Executive:** A Directive Principle of State Policy says that the state shall take steps to separate the judiciary from the executive in the public services of the state. According to Article 50, there shall be a separate judicial service free from executive control.

## **UPSC Questions related to Supreme Court of India**

### **Who is currently the Chief Justice of India (2022)?**

The current Chief Justice of India is Justice Uday Umesh Lalit. He will demit office on attaining the age of 65. Justice Chandrachud will take oath as the 50th Chief Justice of India on November 9, 2022.

### **How many supreme courts are there in India?**

There is only 1 Supreme Court in India. And, there are 25 High Courts.

### **What are the powers and functions of the Supreme Court of India?**

SC is the highest judicial court in India. It upholds the rule of law and also guarantees and protects citizens' rights and liberties as given in the Constitution. Therefore, the Supreme Court is also known as the Guardian of the Constitution.

### **How many judges are there in the Supreme Court?**

At present, there are 34 judges in the SC including the CJI.

### **Can the President of India overturn a Supreme Court ruling?**

Technically, the President cannot override a SC ruling. Only the Parliament can amend any law to overturn the decision of the SC. The President has the pardoning power, which he can exercise on the advice of the Council of Ministers. Even here, the President does not overrule the Supreme Court's decision. The judgement of the Court remains, only, the President can "pardon" the punishment.