

The Judiciary

The Supreme Court

Part V from Articles 124 to 147.

Chief Justice of India

1. The Chief Justice of India (CJI) is the highest judicial officer of the country
2. Acting Chief Justice of India According to Article 126, when the office of Chief Justice of India is vacant or when the Chief Justice is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such one of the other Judges of the Court as the President may appoint for the purpose

Qualifications for Supreme Court Judges

A person shall not be qualified for appointment as a Judge of the Supreme Court unless he/she —

1. is a citizen of India, and
 2. has been for atleast five years a judge of a High Court or a two such Courts in succession; or has been for atleast ten years an advocate of a High Court or of two or more such Courts in succession;
 3. is, in the opinion of the President, a distinguished jurist
- Every person appointed to be a Judge of the Supreme Court shall, before he/she enters upon his/her office, make and subscribe before the President an oath of affirmation according to the form set out in the Third Schedule of the Constitution.
 - The Constitution does not prescribe minimum age limit for a judge to occupy his/her office. A Judge of the Supreme Court continues to hold the office till he/she attains the age of 65 years.

Appointment of Supreme Court Judges

1. The Judges of the Supreme Court are appointed by the President.
2. The Chief Justice is appointed by the President after consultation with such Judges of the Supreme Court and High Court as he/she deems necessary
3. The other judges are appointed by the President after consultation with the Chief Justice and such other judges of the Supreme Court, and High Courts as he/she deems necessary.
4. The consultation with the Chief Justice is obligatory in the case of appointment of a judge other than Chief Justice

Removal of a Supreme Court Judge

1. According to Article 124 (4), A Judge of the Supreme Court shall not be removed from his/her office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.
2. No case of removal of SC judge has happened so far. **The case of Justice V. Ramaswamy in (1991-93)** was not passed because of absence of majority in Lok Sabha when Congress MPs abstained from voting
3. Article 127 says that if at any time there may not be a quorum of the Judges of the Supreme Court available to hold or continue any session of the Court, the Chief Justice of India can appoint a Judge of a High Court as an adhoc Judge of the Supreme Court for a temporary period.

1. Article 128 says that the Chief Justice of India may at any time, with the previous consent of the President, request a retired judge of the Supreme Court or a Retired Judge of 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

Jurisdiction of the Supreme Court

1. Original Jurisdiction

1. According to Article 131, subject to the provisions of this Constitution, the Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute
 - between the Government of India and one or more States;
 - between the Government of India and any State or States on one side and one or more other States on the other ✓
 - between two or more States, if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends

* Original Jur (✓)

↘ * Appene (✓)

↘ * writ (✓)

↘ * Advisam (✓)

Writ Jurisdiction

Article 32 imposes duty on the Supreme Court to enforce the Fundamental Rights.

1. The Supreme Court is empowered to issue writs, including Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari to enforce Fundamental Rights.

Appellate Jurisdiction ✓

The appellate jurisdiction of the Supreme Court can be invoked by a certificate granted by the High Court concerned under **Article 132(1), 133(1) or 134** of the Constitution, **in respect of any judgement, decree or final order of a High Court in both civil and criminal cases involving substantial questions of law as to the interpretation of the Constitution.**

Advisory Jurisdiction

- one of the Salient features of the Supreme Court is its consultative role (Article 143). The President can refer to the Court either a question of law or a question of fact, provided that it is of public importance

1. Article 129 states that the Supreme Court of India shall be a **Court of Record.**



Parliament
FR

142 ← Suo motto ✓

131
3

137 ← Judicial Review ✓

130 - Seat of SC

EX

LEG

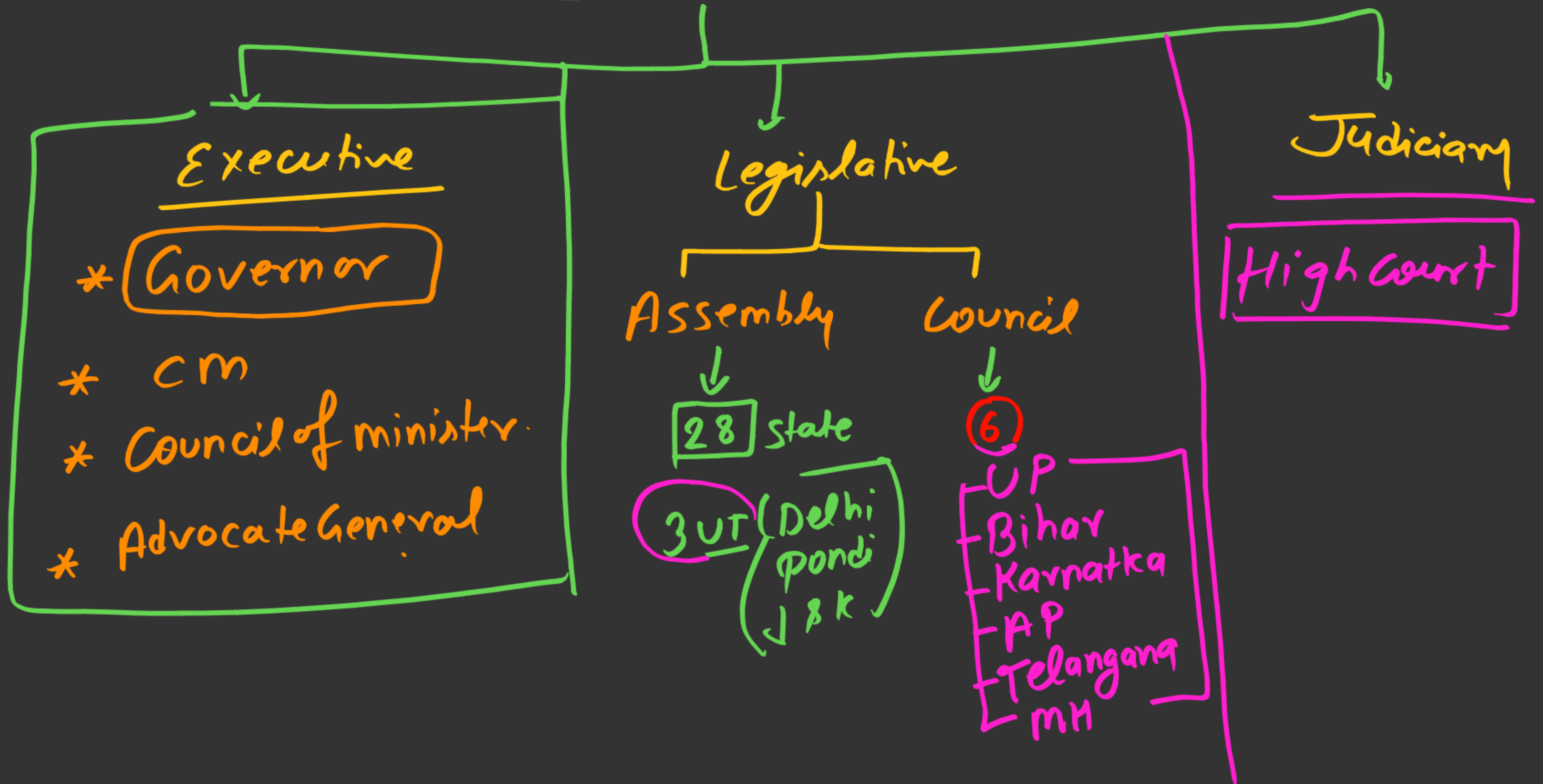
Inc - (sc) ~~(P) (C)~~

\Rightarrow X Part V

Part-6

1st - H. J Kaniya

Part-6 = State



Part-6 = Governor (153)

- ① Not elected ✓
- ② They are Appointed By President
Removed

③ Age shall Be - 35yr
Citizen of India

↳ 7thCAA-1956

* Shall not Be (Home State)

* A person can be governor of one or more state at a time.

Part-5 ✓

④ Oath in front of High Court Chief Judge

⑤ 5 yrs ✓



Part-7 (Null) void

X

Part = 8 (Union Territory)

Part-9 :- Panchayat
GA - MCD
GB - C Soti

5

6

~~7~~

5

7C