

The Supreme Court of India

The **Supreme Court of India** is the highest judicial authority and the apex court in India's judicial system. Established on January 28, 1950, it serves as the ultimate court of appeal, constitutional guardian, and interpreter of the Constitution. It ensures justice, protects fundamental rights, and maintains the balance of power between the central and state governments.

1. Structure of the Supreme Court

The Supreme Court is composed of:

- **Chief Justice of India (CJI):** The head of the Supreme Court.
- **Judges:** A maximum of **34 judges**, including the Chief Justice.

Judges of the Supreme Court are appointed by the **President of India**. They must have served as a High Court judge for at least five years or as an advocate in a High Court for at least ten years, or they must be distinguished jurists.

2. Roles and Responsibilities

The Supreme Court has several critical responsibilities, including interpreting the Constitution, protecting fundamental rights, and ensuring the rule of law. Key roles include:

- **Court of Last Appeal:** The highest appellate court in the country, where cases are reviewed from lower courts.
- **Guardian of the Constitution:** Interprets the Constitution and ensures that laws and actions by the government comply with it.
- **Protector of Fundamental Rights:** Protects citizens' rights and issues orders to safeguard these rights.

3. Jurisdiction of the Supreme Court

The Supreme Court's jurisdiction is wide-ranging and includes the following types:

a) Original Jurisdiction

- **Disputes Between Government Bodies:** It settles disputes between the central government and one or more state governments or between different states.
- **Writ Jurisdiction:** Under Article 32, the Supreme Court can issue writs to enforce fundamental rights when they are violated.

b) Appellate Jurisdiction

- The Supreme Court has the authority to hear appeals from lower courts (High Courts) on both civil and criminal matters.
- Appeals can also be filed on constitutional issues or matters of national importance.

c) Advisory Jurisdiction

- Under Article 143, the President of India can seek advice from the Supreme Court on matters of public importance or constitutional issues.
- However, this advice is not binding on the President.

d) Review Jurisdiction

- The Supreme Court can review its own judgments if a party files a review petition, usually when there is an error in judgment or a need for reconsideration.

4. Types of Cases Heard in the Supreme Court

- **Civil Cases:** Disputes related to property, contracts, family matters, etc.
- **Criminal Cases:** Cases involving crimes, where the court decides on guilt, punishment, or acquittal.
- **Constitutional Cases:** Cases involving constitutional interpretation, amendments, or questions about the validity of laws.
- **Public Interest Litigation (PIL):** Citizens can approach the court for matters of public interest, seeking judicial intervention in issues affecting society.

5. Important Powers and Functions

a) Judicial Review

- The Supreme Court has the power of judicial review to examine the constitutionality of laws and actions of the government.
- If a law is found unconstitutional, it can be struck down.

b) Enforcement of Fundamental Rights

- Citizens can approach the Supreme Court directly for the protection of their fundamental rights, using writs such as Habeas Corpus, Mandamus, Prohibition, Quo-Warranto, and Certiorari.

c) Power to Issue Writs

- **Habeas Corpus:** Commands a person holding another person to produce them before the court.
- **Mandamus:** Directs a public authority to perform its duty.
- **Prohibition:** Stops a lower court from exceeding its jurisdiction.
- **Certiorari:** Transfers a case from a lower court to a higher court.
- **Quo-Warranto:** Questions the legal right of a person holding a public office.

d) Advisory Role

- As noted, the President can consult the Supreme Court on complex legal matters or public issues, though this advice is non-binding.

6. Appointment and Removal of Judges

a) Appointment of Judges

- The Chief Justice of India and other judges are appointed by the President.
- The **Collegium System** (consisting of the Chief Justice and senior judges) recommends appointments and transfers of judges.

b) Removal of Judges

- Judges can be removed by **impeachment** for proven misbehavior or incapacity.
- Impeachment requires a two-thirds majority vote in both houses of Parliament.

7. Judicial Independence

The independence of the Supreme Court is crucial to maintain the rule of law and justice. Measures to ensure judicial independence include:

- **Security of Tenure:** Judges can only be removed through a rigorous impeachment process.
- **Fixed Salaries and Benefits:** Judges receive fixed salaries, not subject to Parliament's discretion.
- **No Practice After Retirement:** Judges cannot practice in any court after retirement, reducing potential conflicts of interest.

8. Public Interest Litigation (PIL)

Public Interest Litigation allows citizens to approach the Supreme Court for issues affecting the public. This powerful tool has enabled the court to intervene in matters of environmental protection, human rights, social justice, and corruption. PILs have been instrumental in promoting accountability and responsiveness in governance.

9. Landmark Supreme Court Cases

Several landmark judgments illustrate the Supreme Court's role in upholding the Constitution and fundamental rights:

- **Kesavananda Bharati Case (1973)**: Established the doctrine of the **basic structure** of the Constitution, limiting Parliament's power to amend the Constitution.
- **Maneka Gandhi Case (1978)**: Expanded the interpretation of the **Right to Life and Personal Liberty** under Article 21, emphasizing due process.
- **Shah Bano Case (1985)**: Dealt with maintenance rights for divorced Muslim women, setting a precedent for personal law reform.
- **Vishakha Case (1997)**: Established guidelines against sexual harassment in workplaces.
- **Triple Talaq Case (2017)**: Declared the practice of instant triple talaq as unconstitutional.

10. Significance of the Supreme Court

The Supreme Court plays a crucial role in safeguarding democracy, protecting citizens' rights, and upholding the principles of justice and equality. Its functions have profound impacts on Indian society, ensuring that the government operates within constitutional limits and that citizens' rights are protected.

- **Ensures Accountability**: Holds the government accountable through judicial review and interpretation of laws.
- **Promotes Justice**: Provides remedies for grievances and ensures fairness.
- **Maintains Balance**: Checks the powers of the executive and legislature, maintaining a balance of power.
- **Upholds the Rule of Law**: Enforces legal standards to protect individuals and maintain social order.