

## Question

Describe the composition, original and appellate jurisdiction of Supreme Court of India.

## Answer

The Supreme Court of India:

Composition — Article 124 (1) of the Constitution stipulates that so long as the Parliament does not make provision for the appointment of more judges through a law, the Supreme Court shall have one Chief Justice and seven judges. The Parliament has increased the number of the judges several times. At present there is a Chief Justice and 30 other judges in the Supreme Court.

Appointment and Tenure of the Judges: The Chief Justice of the Supreme Court and the other judges are appointed by the President of India. The judges of Supreme Court hold office till they complete the age of 65 years.

1. Original Jurisdiction of the Supreme Court: (a) Such cases of the centre and the states come directly to the Supreme Court in which:

(i) The central government and a state or states are the parties.

(ii) The central government and one or more states on the one hand and one or more states on the other or

(iii) Two or more states are involved.

(a) But no such case will come under its original jurisdiction which is concerned with a treaty of contract which was negotiated before the enforcement of the constitution or a contract in which it is given specifically that case concerning that the contract will not be taken to the Supreme Court.

(b) According to Article 32, original jurisdiction of the Supreme Court extends to the Fundamental Rights also. It can issue various types of writs to enforce them. The High Courts also enjoy concurrent jurisdiction over them.

2. Appellate Jurisdiction: The appellate jurisdiction of the Supreme Court are of three types: Constitutional, Criminal and Civil.

(a) Constitutional Appeals: A constitutional appeal means an appeal to the Supreme Court against the decision of a High Court for interpretation of the constitution in any case. Such an appeal can be brought to Supreme Court if the High Court certifies that interpretation of the constitution is required in that case or secondary if the Supreme Court grant a special leave of appeal.

(b) Appeal in Civil Cases: As regards the appeals in civil cases, the 30th amendment, 1972 has brought about significant changes. Prior to the 30th amendment appeal to the Supreme Court in civil proceedings against a judgement, decree or final order of a High Court required that the amount or value of subject-matter of the dispute was not less than Rs. 20,000. The 30th amendment sought to do away with the monetary limits for invoking the appellate jurisdiction of the Supreme Court.

(c) Criminal Appeals: The following criminal cases can be brought to Supreme Court as appeal.

(i) If a criminal is acquitted by a lower court and he is sentenced to death by High Court.

(ii) If a High Court awards death sentence in case which it had taken from a lower court undecided.

(iii) If the High Court certifies that the case is a fit to be taken to the Supreme Court as an appeal.