

# Supreme Court of India

NITA MALIK, ASSOCIATE PROFESSOR & HEAD, PG DEPARTMENT OF  
POLITICAL SCIENCE

HANS RAJ MAHILA MAHAVIDYALAYA, JALANDHAR

# Contents

- Introduction
- Judicial Structure
- Composition of Supreme Court
- Qualifications of Supreme Court Judge
- Ad-hoc and Retired Judges
- Tenure of Judges
- Independence of Supreme Court Judges
- Removal of Supreme Court Judges
- Collegium System
- Independence of Supreme Court
- Supreme Court: A Court of record
- Guardian of Fundamental Rights

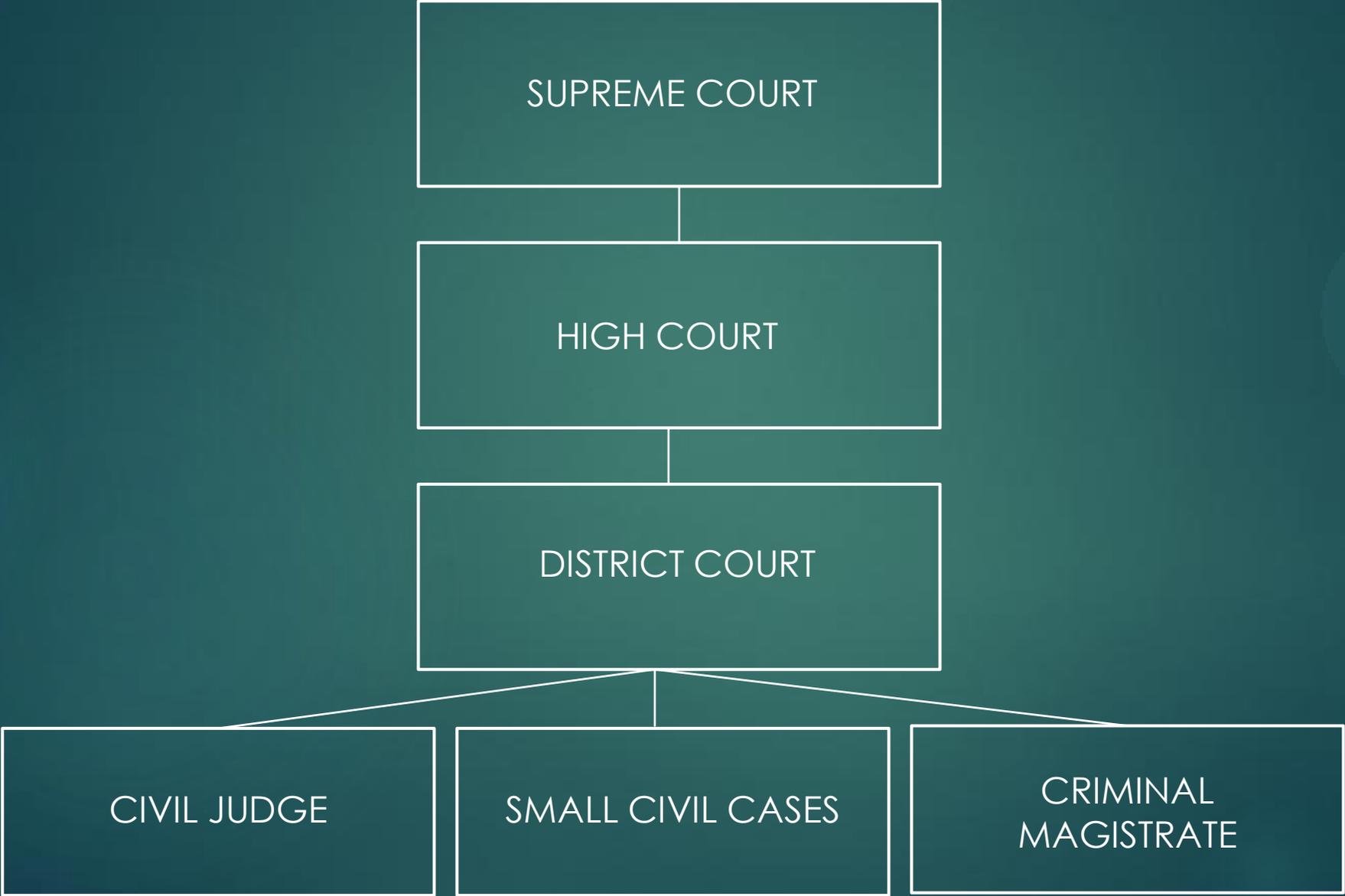
# Contents

- Enforcement of Fundamental Rights
- Jurisdiction of Supreme Court of Justice
- Powers of the Supreme Court
- Other Powers
- Conclusion

# Introduction

- Supreme Court at the apex of Indian Judiciary is the highest authority to uphold the constitution of India, to protect rights and liberties of citizens and to uphold the values of rule of law. Hence it is known as the guardian of our Constitution.
- Supreme Court acts as a watch tower of the constitution and also exercise the power of interpreting the contents of the constitution.
- The Supreme Court of India is the highest judicial court and the final court of appeal under the Constitution of India, the highest constitutional court, with the power of judicial review.
- India is a federal State and has a single and unified judicial system with three tier structure, i.e. Supreme Court, High Courts and Subordinate Courts.

# Judicial Structure



# Composition of Supreme Court

- The President of India appoints the Chief Justice and other judges Supreme court
- At present there are twenty-five judges in the supreme court Besides the chief justice, President may appoint additional judges.
- The President may consult the judges or chief justice of High Courts at the time of appointing the Chief Justice of the Supreme Court.
- Similarly, he may consult the Chief Justice while appointing Judges.

# Qualifications of Supreme Court Judge

- Article 124(3) of the Indian constitution states the following conditions for a person to become the judge of the supreme court
  - He must be a citizen of India
  - If he is an eminent jurist
  - He must be a judge of a high court for at least five years
  - He has been an advocate of a high court for at least ten years or an advocate of two or more such courts.

# Ad-hoc and Retired Judges

## ➤ Ad hoc Judge

- When there is a **lack of quorum** of the permanent judges to hold or continue any session of the Supreme Court, **the Chief Justice of India** can **appoint a judge of a High Court as an ad hoc judge of the Supreme Court** for a temporary period. He can do so only after consultation with the Chief Justice of the High Court concerned and with the previous consent of the president.
- The judge so appointed should be **qualified for appointment as a judge of the Supreme Court**. It is the duty of the judge so appointed to attend the sittings of the Supreme Court, in priority to other duties of his office. While so attending, he enjoys all the jurisdiction, powers and privileges (and discharges the duties) of a judge of the Supreme Court.

## ➤ Retired Judges

- At any time, the **CJI can request a retired judge** of the Supreme Court or a retired judge of a 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.
- He can do so only with the **previous consent of the President** and also of the person to be so appointed.
  - Such a judge is entitled to such allowances as the president may determine. He will also enjoy all the jurisdiction, powers and privileges of a judge of the Supreme Court. But, he will not otherwise be deemed to be a judge of the Supreme Court.

# Tenure of Judges

- The Constitution has not fixed the tenure of a judge of the Supreme Court. However, it makes the following three provisions in this regard:
  - He holds office until he attains the age of 65 years. Any question regarding his age is to be determined by such authority and in such manner as provided by Parliament.
  - He can resign his office by writing to the President.
  - He can be removed from his office by the President on the recommendation of the Parliament.

# Independence of Supreme Court Judges

- Though the appointing authority is the President, acting with the advice of his Council of Ministers, the appointment of a Supreme Court Judge has been removed from area of pure politics by requiring the President to consult the Chief Justice of India in the matter.
- By laying down that a Judge of the Supreme Court shall not be removed by the President, except by a difficult process on ground of proved misbehaviour or incapacity of the Judge in question [Article 124 (4)].
- By fixing the salaries of the Judges by the Constitution and providing that though the allowances, leave and pension may be determined by law made by Parliament, these shall not be varied to the disadvantage of a Judge during his term of office [Art. 125 (2)]. But it will be competent for the President to override this guarantee, under a proclamation of 'Financial Emergency, [Art. 360 (4) (b)].

# Independence of Supreme Court Judges

- By providing that the administrative expenses of the Supreme Court, the salaries and allowances, etc., of the Judges as well as of the staff of the Supreme Court shall be 'charged upon the revenues of India' i.e., shall not be subject to vote in Parliament [Article 146 (3)].
- By forbidding the discussion of the conduct of a Judge of the Supreme Court (or of a High Court) in Parliament, except upon a motion for an address to the President for the removal of the Judge (Article 121).
- By laying down that after retirement, a Judge of the Supreme Court shall not plead or act in any Court or before any authority within the territory of India [Article 124 (7)].

# Removal of Supreme Court Judges

- A judge of the supreme court stands removed if:
  - A motion is signed by the 50 members of Rajya Sabha and 100 members of the Lok Sabha.
  - An inquiry committee consisting of a supreme court judge and chief justice of the high court and an eminent jurist is constituted for the investigation of the charges.
  - If the inquiry committee proves the charges then it is addressed in both the house of parliament.
  - If the motion is passed with two-third majority in both houses then the motion is addressed to the president.
  - The judge has the right to in order to prove that he is not guilty.
  - If the president is satisfied with motion addressed to him, he may issue an order to remove the judge.

# Collegium System

- Collegium system was born through “**three judges case**” and it is in practice since 1998. It is used for appointments and transfers of judges in High courts and Supreme Courts.
- There is no mention of the Collegium either in the original Constitution of India or in successive amendments
- **Working of Collegium System and NJAC**
- The collegium recommends of the names of lawyers or judges to the Central Government. Similarly, the Central Government also sends some of its proposed names to the Collegium.
- Collegium considers the names or suggestions made by the Central Government and resends the file to the government for final approval.

# Collegium System Contd.

- If the **Collegium resends** the same name again then the government has to give its assent to the names. But **time limit is not fixed** to reply. This is the reason that appointment of judges takes a long time.
- Through the **99<sup>th</sup> Constitutional Amendment Act, 2014 the National Judicial Commission Act (NJAC)** was established to replace the collegium system for the appointment of judges.
- However, the Supreme Court **upheld the collegium system and struck down the NJAC as unconstitutional** on the grounds that the involvement of **Political Executive** in judicial appointment was **against the “Principles of Basic Structure”**. I.e. the **“Independence of Judiciary”**.

# Independence of Supreme Court

- The Supreme Court is a **Federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and guardian of the Constitution.**
  - Therefore, its independence becomes very essential for the effective discharge of the duties assigned to it. It should be free from the encroachments, pressures and interferences of the executive (council of ministers) and the Legislature (Parliament). It should be allowed to do justice without fear or favour.
- The Constitution has made the following provisions to **safeguard and ensure the independent and impartial** functioning of the Supreme Court:
  - Mode of appointment
  - Security of tenure
  - Fixed service conditions
  - Expenses charged on the consolidated fund
  - Conduct of judges cannot be discussed
  - Ban on practice after retirement
  - Power to punish for its contempt
  - Freedom to appoint its staff
  - Its jurisdiction cannot be curtailed
  - Separation from Executive

# Supreme Court: A Court of record

- Article 129 makes the Supreme Court 'a Court of Record.' The significance of such a Court is two-fold; (i) Its records are retained for perpetual memory and testimony. (ii) Once a Court is deemed to be a Court of Record, its power to punish for contempt follows from that position. The Constitution has, however, specifically made a provision empowering the Supreme Court to punish for contempt of itself.
- In the words of Dr. Ambedkar, "...the Court of a Record is a Court, the records of which are admitted to be of evidentiary value and they are not to be questioned when they are produced before any Court. As a matter of fact, the power to punish for contempt necessarily follows from that position..."

# Guardian of Fundamental Rights

- The Supreme Court is also the guardian of the liberties and Fundamental Rights of citizens. Article 32 (i) specifies the writ jurisdiction of the Supreme Court. The Article lays down that any person whose rights are abrogated or affected adversely can move the Supreme Court by appropriate proceedings for their enforcement.
- The Supreme Court can issue orders or writs in the nature of Habeas Corpus, Certiorari, Mandamus, Prohibition and Quo Warranto whichever is appropriate for the enforcement of these rights. The Court is authorised to declare a law passed by the legislature null and void, if it encroaches upon the Fundamental Rights. This happened when Clause 14 of the Preventive Detention Act was nullified by the Supreme Court and the President had to issue an ordinance, deleting this clause. At a later stage, the Supreme Court nullified a few laws conflicting with Articles 19 and 31 of the Constitution as well.

# Enforcement of Fundamental Rights

- The Indian Constitution empowers the Supreme Court to issue writs for enforcement of any of the fundamental rights conferred by Part III of Indian Constitution under **Article 32**. Thus the power to issue writs is primarily a provision made to make available the **Right to Constitutional Remedies** to every citizen. The Right to Constitutional Remedies, as we know, is a guarantor of all other fundamental rights available to the people of India.
- There are five types of Writs - *Habeas Corpus*, *Mandamus*, *Prohibition*, *Certiorari* and *Quo warranto*.

# Enforcement of Fundamental Rights Contd.

- **Habeas Corpus:** "Habeas Corpus" is a Latin term which literally means "**you may have the body.**" The writ is issued to produce a person who has been detained , whether in prison or in private custody, before a court and to release him if such detention is found illegal.
- **Mandamus:** Mandamus is a Latin word, which means "**We Command**". Mandamus is an order from the Supreme Court or High Court to a lower court or tribunal or public authority to perform a public or statutory duty. This writ of command is issued by the Supreme Court or High court when any government, court, corporation or any public authority has to do a public duty but fails to do so.

# Enforcement of Fundamental Rights Contd.

- **Certiorari:** Literally, Certiorari means **to be certified**. The writ of certiorari can be issued by the Supreme Court or any High Court for quashing the order already passed by an inferior court, tribunal or quasi judicial authority.
  - There are several conditions necessary for the issue of writ of certiorari :-
    - There should be court, tribunal or an officer having legal authority to determine the question with a duty to act judicially.
    - Such a court, tribunal or officer must have passed an order acting without jurisdiction or in excess of the judicial authority vested by law in such court, tribunal or officer.
    - The order could also be against the principles of natural justice or the order could contain an error of judgment in appreciating the facts of the case.

# Enforcement of Fundamental Rights Contd.

- **Prohibition:** The Writ of prohibition means to forbid or to stop and it is popularly known as '**Stay Order**'. This writ is issued when a lower court or a body tries to transgress the limits or powers vested in it. The writ of prohibition is issued by any High Court or the Supreme Court to any inferior court, or quasi judicial body prohibiting the latter from continuing the proceedings in a particular case, where it has no jurisdiction to try. After the issue of this writ, proceedings in the lower court etc. come to a stop.
- **Difference between Prohibition and Certiorari:**
  - While the writ of prohibition is available during the pendency of proceedings, the writ of certiorari can be resorted to only after the order or decision has been announced.
  - Both the writs are issued against legal bodies.

# Enforcement of Fundamental Rights Contd.

- **The Writ of Quo-Warranto:** The word Quo-Warranto literally means "**by what warrants?**" or "what is your authority"? It is a writ issued with a view to restrain a person from holding a public office to which he is not entitled. The writ requires the concerned person to explain to the Court by what authority he holds the office. If a person has usurped a public office, the Court may direct him not to carry out any activities in the office or may announce the office to be vacant. Thus High Court may issue a writ of quo-warranto if a person holds an office beyond his retirement age.
- **Conditions for issue of Quo-Warranto**
  - The office must be public and it must be created by a statute or by the constitution itself.
  - The office must be a substantive one and not merely the function or employment of a servant at the will and during the pleasure of another.
  - There must have been a contravention of the constitution or a statute or statutory instrument, in appointing such person to that office.

# Jurisdiction of Supreme Court of Justice

- **Original Jurisdiction :-** The Supreme Court of India possesses original and exclusive jurisdiction in any dispute:
  - (a) Between the Government of India, and one or more states or
  - (b) Between the Government of India and any state or states on one side and one or more other states on the other or
  - (c) Between two or more states.
- The dispute relating to the original jurisdiction of the Court must involve a question of fact or law on which the existences of a legal right depends. A legal right is defined “as any advantage or benefit which is in any manner conferred upon a person by a rule of law”. The Supreme Court has no original jurisdiction in disputes between individuals or between associations or local bodies.
- It is not authorized to investigate a dispute arising out of any treaty, covenant, engagement or agreement which was entered into before the commencement of the Constitution. These disputes may be referred by the President to the Supreme Court for its advisory opinion.

# Jurisdiction of Supreme Court of Justice Contd.

- **Parliament may, by law, exclude the jurisdiction of the Supreme Court in:**
  - Disputes between States regarding the use, distribution or control of waters of any inter-state river or river valley.
  - Matters referred to the Finance Commission
  - Adjustment of certain expenses between the Union and the states under Article 290.
  - Disputes specified in the provision to Articles 131 and 363(1).
  - Adjustment of expenses between the Union and the states under Articles 257 (4) and 258(3).

# Jurisdiction of Supreme Court of Justice Contd.

- Referring about the original jurisdiction of Supreme Court, D.D. Basu said, “Though our Federation is not in the nature of a treaty or compact between the component units, there is nevertheless a division of legislative as well as administrative powers between the Union and the states. Article 131 of our Constitution therefore vests the Supreme Court with original and exclusive jurisdiction to determine justiciable disputes between the Union and the states or between the States inter se”. It may however be pointed out that during the first decade of the working of the Constitution, original jurisdiction of the Court was not invoked. Such disputes were resolved by the parties noted above by mutual agreement or negotiation, rather than by adjudication.
- The West Bengal Government was the first to bring suit against Government of India in 1961 against the unconstitutionality of the Coal Bearing Areas Act 1957 before the Supreme Court. However, the same was dismissed by the Apex Court.

# Jurisdiction of Supreme Court of Justice Contd.

- **Writ Jurisdiction (Article 32):** Under Article 32, the Supreme Court can entertain an application for the issue of a constitutional writ for the enforcement of Fundamental Rights. This is termed as original jurisdiction as the aggrieved party can move the Apex court directly through a petition instead of coming through a High Court by way of an appeal. It should be treated as a separate jurisdiction since the dispute in such cases is not between the units of the Union but an aggrieved individual and the Government or any of its agencies. The jurisdiction under the article is not analogous to that of under Article 131.

# Jurisdiction of Supreme Court of Justice Contd.

- **Appellate Jurisdiction:-** The Supreme Court, as the highest Court of Appeal, stands at the apex of the Indian judiciary. M.C. Setalved in his speech at the inauguration of the Supreme Court on January 28, 1950 said, "The writ of this court will run over territory extending to over two million square miles inhabited by a population of about 300 millions. It can truly be said that the jurisdiction and powers of this Court in their nature and extent are wider than those exercised by the High Courts of any country in the Commonwealth or by the Supreme Court of the U.S.A."
- The appellate jurisdiction of the Court can be divided into four main categories of cases; Constitutional, Civil, Criminal and Special.

# Jurisdiction of Supreme Court of Justice Contd.

## ➤ (a) Constitutional Cases:

- According to Article 132(1) an appeal shall lie to the Supreme Court from any judgement, decree or final order of a High Court in the territory of India, whether in a civil, criminal or other proceedings, if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution. If the High Court refuses to give such- a certificate, the Supreme Court can grant special leave to appeal, if the Court is satisfied that the case involves a substantial question of law as to the interpretation of the Constitution. In the Election Commission vs. Venkata Rao (1953) a point was raised as to whether appeal lay to the Supreme Court in a constitutional matter under Article 132 from a decision of a single judge.
- The Supreme Court answered the question in the affirmative. This makes the Court the ultimate interpreter and saviour of the Constitution.

# Jurisdiction of Supreme Court of Justice Contd.

## ➤ (b) Civil Cases:

- The Supreme Court's appellate jurisdiction in civil cases is of limited character. In civil matters after passage of the 30th Constitutional Amendment Act of 1972 (where no constitutional question is involved), appeal could lie to the Supreme Court, if the High Court certified that any of the under-mentioned conditions were satisfied:
  - (i) That the amount or the value of the subject matter of the dispute is not less than Rs. 20,000,
  - (ii) That the case is a fit one for appeal to the Supreme Court irrespective of value.
- It may be pointed out that the appellate jurisdiction of the Court in civil cases can be enlarged, if Parliament passes a law to that effect. Further if the court is hearing the appeal, it is open to any party to challenge a decision of the High Court as invalid so far as it deals with the interpretation of the constitution.

# Jurisdiction of Supreme Court of Justice Contd.

- (c) Criminal Cases:
  - The Draft Constitution had made no provision for the appellate jurisdiction of the Court in the criminal cases. Many members considered it a serious omission of the Constitution. Eventually the provision was incorporated in the Constitution, substantially conforming to the views of K.M. Munshi. There are only two modes by which appeals in the criminal matters lie from the decision of a High Court to the Supreme Court, i.e.,
    - Without a certificate of High Court;
    - With a certificate of the High Court.

# Jurisdiction of Supreme Court of Justice Contd.

## ➤ Without Certificate:

- An appeal lies to the Supreme Court without a certificate, if:
  - (i) The High Court has reversed an order of acquittal of an accused and sentenced him to death.
  - (ii) If the High Court has withdrawn for trial before itself any case from any court subordinate to its authority and has in such a trial convicted the accused person and sentenced him to death. For instance in *Tara Chand vs. State of Maharashtra* the accused charged for murder was acquitted by the Trial Court.
- The High Court reversed the order and convicted the accused of murder and sentenced him to death. The Supreme Court rejecting the argument on behalf of the State said that the word acquittal meant complete acquittal and that the accused was entitled to a certificate under Section 134 (i) (a).

# Jurisdiction of Supreme Court of Justice Contd.

## ➤ With Certificate:

- An appeal lies to the Supreme Court from a decision of High Court in criminal proceedings, if the High Court certifies that the case is a fit one for appeal to the Supreme Court. Parliament can, by further passing an Act, extend the jurisdiction of the Supreme Court in criminal matters. But the enhancement of its jurisdiction “ought to be made, having regard to the enlightened conscience of the modern world and the Indian people.”
- In fact, if we go through hundreds of cases decided by the Court, under appellate jurisdiction, we feel enamoured of the Fathers of our Constitution who incorporated these provisions in the constitution. According to Pylee, “It stands as a living testimony to the increasing recognition that is accorded to the sanctity of human life in recent times in contrast to the incredible frequency with which capital punishment was awarded for the most petty and trifling offences in the past. ”

# Jurisdiction of Supreme Court of Justice Contd.

- (d) Special Appeals (Article 136):
  - Though Articles 132 to 134 of Indian Constitution provide for regular appeals to the Supreme Court from decisions of the High Courts, yet some cases may still crop up, where justice may be at stake. Hence, the interference of the Supreme Court with decisions not only of the High Courts outside purview of Articles 132 to 134 but also of other tribunals located within the territory of India may be indispensable. Such residuary power outside the ordinary law relating to appeals, is conferred upon the Supreme Court by Article 136. Article 136 states, “Notwithstanding anything in this chapter, the Supreme Court may in its discretion, grant special leave to appeal from any judgement, decree, determination, sentence or order in any tribunal in the territory of India.”

# Jurisdiction of Supreme Court of Justice Contd.

- **Advisory Jurisdiction:** A salient feature of the Supreme Court is its consultative role. In fact, it is a legacy of the past. A similar role was assigned to the Federal Court according to Section 213 of the Act of 1935. According to Article 143, (i) the President of India is empowered to refer to the Supreme Court any question of law or fact of public importance. There is no constitutional compulsion for the Court to give its advice.
- The Supreme Court may refuse to express its advisory opinion, if it is satisfied that it should not express its opinion keeping in view the nature of questions forwarded to it and having regard to other relevant facts and circumstances, e.g., if the questions referred for advisory opinion are purely socio-economic or political questions having no relation with the provisions of the Constitution or having no constitutional significance.

# Jurisdiction of Supreme Court of Justice Contd.

- Moreover, it is left to the Court to decide as to what type of hearing it will adopt. Eventually, the Court has adopted the same procedure, as in the case of a regular dispute brought before it. The advice of the Court is not binding on the President.
- Under section (2) of Article 142, the President is empowered to refer to the Supreme Court for its opinion, disputes arising out of any treaty, agreement etc., entered into or executed before the commencement of the Constitution. In such cases, it is obligatory for the Court to give its opinion to the President. The treaties, agreements etc., referred to above, are those which the Government of India have executed with the former princely states and their rulers between 1947 and 1950.

# Jurisdiction of Supreme Court of Justice Contd.

## ➤ **Jurisdiction Enhanced:**

- With the passage of time, jurisdiction of the Apex court has enhanced. In the enhanced jurisdiction we may refer to the appeals which can be taken to the Supreme Court under the representation of the People Act, Monopolies and Restrictive Trade Practices Act, Advocates Act, Contempt of Court Act, Customs Act, Central Excise and Salt Act, Terrorist Affected Areas Act 1984 and Terrorist and the Disruptive Activities Act, 1985. Election Petition under Part III of the Presidential and Vice Presidential Election Act (1952) can be filed directly in the Supreme Court.

# Powers of the Supreme Court

- Power to punish for contempt (civil or criminal) of court with simple imprisonment for 6 months or fine up to 2000. Civil contempt means wilful disobedience to any judgment. Criminal contempt means doing any act which lowers the authority of court or causing interference in judicial proceedings
- **Judicial review** - to examine constitutionality of legislative enactments and executive orders. The grounds of review is limited by- Parliamentary legislation or rules made by Supreme Court.
- Deciding authority regarding election of President and Vice President
- Enquiring authority in conduct and behaviour of UPSC members
- Withdraw cases pending before high courts and dispose them itself

# Powers of the Supreme Court Contd.

- **Appointment of ad hoc judges**-Art 127 states that if at any time there is lack of quorum of Judges of Supreme Court, the CJI may with previous consent of the President and Chief Justice of High Court concerned request in writing the attendance of Judge of High Court duly qualified to be appointed as Judge of SC.
- **Appointment of retired judges of supreme court or high court** - Art 128- The CJI at any time with the previous consent of the President and the person to be so appointed can appoint any person who had previously held office of a Judge of SC.
- **Appointment of acting Chief Justice**- Art 126- when the office of CJI is vacant or when the Chief Justice is by reason of absence or otherwise unable to perform duties of office, the President in such case can appoint Judge of the court to discharge the duties of office.

# Powers of the Supreme Court

## Contd.

- **Revisory Jurisdiction:** The Supreme Court under Art. 137 is empowered to review any judgement or order made by it with a view to removing any mistake or error that might have crept in the judgement or order.
- **Supreme Court as a Court of Record :-** The Supreme Court is a court of record as its decisions are of evidentiary value and cannot be questioned in any court.
- **Removal of Supreme Court Judge :-** A judge of Supreme Court can be removed only from the office by the President on the basis of a resolution passed by both the Houses of parliament with a majority of the total membership and a majority of not less than two-thirds of the members present and voting in each house, on the grounds of proved misbehaviour or incapacity of the judge in question.

# Other Powers

- Being the supreme judicial authority of the country it protects the constitution and enlighten us with the provisions of the constitution through its grand vision which is considered to be final.
- It is the custodian of the fundamental rights. Under article 32 every citizen of India has the **Locus Standi** to move to court in order to seek legal remedy if there is any kind of infringement to the fundamental rights.
- Under article 129 supreme court is the court of record. Its judgment unquestionable and are accepted by all the lower courts as precedents. Under article 141 the decision of the high court is considered to be final and binding upon all the lower courts and regarded as law.

# Other Powers

- If any law is passed by the parliament or the state legislature which does not comply with the provisions of the Indian constitution or is passed with the jurisdiction which they even do not possess will be declared void by the supreme court through judicial review.
- The supreme court under article 137 has the power to review its own judgement
  - If new evidence are found
  - If a fact which is related to the records of the case came to the light
  - If there are enough reasons to suffice for a review Supreme court itself states that nothing can restrain it from reviewing its own decisions if it is satisfied with its effects over the general public.
- The supreme court is conferred with the power to make rules for carrying out its practice and procedure.

# Other Powers

- The supreme court has the power to appoint its officers and servants. For example, chief justice of India or the other supreme court judges is appointed by it to carry out its functions. Though the person has to be qualified for the job.
- Supreme Court under article 129 has the power to punish a person if found guilty of contempt of court. Contempt of court basically means hampering the proceedings of the court neglecting its order, defying its authority which ultimately results in disrespect of the court. The consequences arising out of it includes both the civil or criminal penalties depending upon the gravity of the consequences.
- Appeals under The Peoples Representation Act 1951 can be filed in the supreme court.

# Other Powers

- Decrees or orders passed by the Supreme Court in the interests of justice are enforceable through-out the territory of India. The Supreme Court has also been given the power under Article 142 to secure the attendance before it of any person within the territory of India or to order the discovery and production of any documents, or the investigation or punishment of any contempt of itself.
- The supreme power of the Supreme Court, however, lies in its being the ultimate interpreter and guardian of the Constitution in which capacity its power embraces not only the interpretation of the Constitution but also that of the laws of the Union, the States and local authorities.

# Other Powers

- Like the highest court in other countries, the Supreme Court of India, too, is not bound by its own decisions. It can reconsider its own decisions provided that such review is in the interest of the community and justice. An application for review may be filed with the Registrar of the Court within thirty days after its judgement is delivered in appeal and it should briefly and, distinctly state the grounds for review.
- The application for review must also be accompanied by a certificate by the Bar Council that it is supported by proper grounds. Any such review is undertaken by a larger bench than the one which passed the original judgement. The Supreme Court's power to review its earlier decisions helps it to correct any decision which may be deemed erroneous.

# Conclusion

- It can be concluded that the supreme court is the apex judicial authority of India. The supreme court has very wide jurisdiction and it enjoys enormous powers and functions which it performs for the general interest of the public. It is the protector of the fundamental rights of an individual and through its grand vision interprets the provisions of the constitution. It guarantees the socio-economic justice to the citizens of India and makes laws which are of unquestionable nature and binding upon all the other courts.