

Tender Heart High School

Date:- 12.8.24

Class: X chapter 4:- The Supreme Court

Subject:- History and Civics

Ms. Rameet

This lesson is for Class X for the Subject of History and Civics Chapter 4: The Supreme Court given on page number 200 of your textbook and is being submitted to you on 12.8.24

The Judiciary

India has a single integrated system of courts with the Supreme Court at the top. Single integrated Judicial system means.

The Supreme Court is the head of all Judicial system. It supervises and looks after all other courts. We have single civil and criminal laws for all the people of India.

All cases from the lower courts can be taken to High Court and from High Court to the Supreme Court

Need For a Single Integrated Judiciary.

India has a representative democracy and so Judiciary should be independent from executive and legislature.

To protect human rights and democracy judiciary should be independent.

The Supreme Court

Composition

The Supreme Court of India consists of a chief Justice of India and not more than 33 other Judges. The Parliament of India can change the number of judges if required.

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Qualifications for Appointment as Judge of Supreme Court.

He/she should be citizen of India.

has been for five years a Judge of a High Court or of two or more High Courts in succession; or

has been for a least ten years an advocate of a High Court or of two or more such Courts in succession; or

Is in the opinion of the President, a distinguished Jurist.

Appointment

The Judges of the Supreme Court are appointed by the President of India in Consultation with the Judges of Supreme Court and of High Courts. The Seniority principle is followed in the appointment of the chief Justice of India by the President.

Appointment of Ad Hoc Judges:-

The chief Justice appoints the Ad Hoc Judge as and when required. They are appointed only for a specific work.

Term of office:-

A Judge of the Supreme Court shall hold office up to the age of 65 years. He may resign his office by giving his resignation to the President of India.

Impeachment:-

Impeachment in simple words means to dismiss or remove someone who does not work properly.

A Judge of the Supreme Court can be

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removed or impeached when he misbehaves or goes against the Laws. Such an order should be approved by both House of Parliament with majority vote.

Jurisdiction and Powers of The Supreme Court

Jurisdiction is the power that a court uses to carry out judgements and enforce laws. In simple words Jurisdiction means the power and authority to hear, try and decide a case.

Original Jurisdiction :-

Original Jurisdiction means the power to hear and decide a dispute in the first instance. It is the power to hear a case for the first time.

Those cases which cannot be moved in any court other than the Supreme Court are the following cases

Centre - State or Inter - state Disputes :-

Any dispute between Government of India and one or more states ; or

Any dispute between Government of India and any state or states on one side and one or more states on the other ; or

Any dispute between two or more states.

Exception :-

The Supreme Court of India cannot solve any dispute related to a treaty , agreement etc.

Which is in operation.

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2. The Supreme Court of India cannot solve any dispute related to inter-state water disputes. Any case related to the Finance Commission.

2. Protection of Fundamental Rights:-

The Supreme Court has special powers in the enforcement of Fundamental rights. It has the power to issue directions or Writs for the enforcement of Fundamental Rights. Any person can approach the Supreme Court of India in case of violation of a Fundamental right.

The Supreme Court can issue the following writs or orders for the enforcement of Fundamental Rights:-

1. Habeas Corpus:-

It is a Latin word which means "You may have the body". By issuing such a writ, the Supreme Court can get any person released if he has been unlawfully detained.

2. Mandamus:-

In Latin it means "We order". It is an order from Supreme Court to lower courts to perform their duties properly.

3. Writ of Prohibition:-

This writ is issued to prevent an inferior court from exercising powers with which it is not legally given. It is an instruction to the inferior courts to work within the limits of their jurisdictions.

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