

Subject:- History and Civics

Teacher:- Mili Bhatnagar

Chapter 3
The Judiciary.

Good Morning Students!

The judiciary in India has an important role to play. Being independent of legislative and executive control, it interprets and safeguards the Constitution. It also protects the Fundamental Rights of the citizens and settles disputes.

The Supreme Court is the highest court of India. It comprises of the Chief Justice and 30 other judges. This number is subject to change by an Act of Parliament. The Chief Justice of India and other judges are ~~imp~~ appointed by the President of India. To be eligible to become a judge of the Supreme Court, a person must be a citizen of India and fulfill either of these conditions

- i) must be an advocate practising in the High Court for at least ten years.
- ii) must be a High Court judge for at least five years
- iii) must be an eminent jurist in the opinion of the President.

A judge of the Supreme Court can hold the office till the age of 65 years. A resignation or removal is also provided. The latter is done through the process of impeachment.

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The Supreme Court enjoys the following jurisdictions -

1. Original - There are certain cases that can only be decided by the Supreme Court. These include
 - a) dispute between the Union Government and one or more state government
 - b) dispute between two or more state governments.
 - c) cases concerning the violation of Constitution and protection of Fundamental Rights.
2. Appellate Jurisdiction:- These are the appeals against the judgements of the High Courts. As the highest judicial authority, the Supreme Court has the power to review the decisions of the High Courts and give its own judgements.
3. Advisory - The Supreme Court can give its opinion to the President on constitutional matters when asked for. However, the President is not bound to follow the advice.
4. Review - The Supreme Court can review any judgement or order passed by it. This is done to rectify the errors that might have crept into the judgement.

Court of Record - The Supreme Court records and prints all the proceedings and judgements.

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These are further referred to and cited by the lower courts throughout the country.

The Supreme Court examines the validity of the laws passed by the Union and the states. It can declare any law null and void if it violates the Constitution. This is called as the judicial review.

A Writ is an order or direction from the courts ordering someone to do something or not to do something. Writs are issued for the enforcement of Fundamental Rights. The Supreme Court and the High Court may issue writ of Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto.

In the next lecture we will deal with High Courts.