



LAW CAPSULE

FOR LAW COMPETITIVE EXAMS

JURISDICTION OF SUPREME COURT IN INDIA

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Where primary justice fails, the only glimmer of hope comes from 'corrective justice from higher Courts'

Introduction

The jurisdiction of the Supreme Court can be divided into following categories: -

1. Appellate Jurisdiction
2. Original Jurisdiction
3. Advisory Jurisdiction

Appellate Jurisdiction

- **Constitutional Appeal - Appeal under Article 132 of the Constitution** - Appeal permitted if the High Court certifies that the case involves substantial question of Law as to the interpretation of the Constitution.
- **Constitutional Civil Appeal - Appeal under Article 133 of the Constitution** - Appeal permitted from any judgment, decree or final order in a civil proceeding of High Court, if, the High Court certifies that the case involves substantial question of Law of general importance and in its opinion the said question needs to be decided by the Supreme Court.
- **Constitutional Criminal Appeal - Appeal under Article 134 of the Constitution** - Appeal permitted from any judgment, final order or sentence in a criminal proceeding of High Court if (a) it has on appeal reversed an order of acquittal of an accused person and sentenced him to death; or (b) has withdrawn for trial before itself, any case from any court subordinate to it and has in such trial convicted the accused and sentenced him to death; or (c) it certified that the case is fit to appeal in the Supreme Court.

- **Constitutional Appeal by Special Leave - Appeal under Article 136 of the Constitution** - The Supreme Court may in its discretion grant special leave to appeal from judgment, decree, determination, sentence or order in any case or matter passed or made by any court or tribunal in the Territory of India.
- **Appeal under Criminal Procedure Code - Section 379 of the Criminal Procedure Code, 1973 read with Section 2 of the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970**, provides for an appeal to Supreme Court, if the High Court (a) has on appeal reversed an order of acquittal of an accused person and sentenced him to death or to imprisonment for life or to imprisonment for a period of not less than ten years; (b) has withdrawn for trial before itself any case from any Court subordinate to its authority and has in such trial convicted the accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years.
- **Appeals under other Acts - Statutory appeal lies to the Supreme Court under following Acts of Parliament:**
 1. Appeal under Customs Act
 2. Appeal under Central Excise and Salt Act
 3. Appeal under Consumer Protection Act, 1986
 4. Appeal under Contempt of Courts Act, 1971
 5. Appeal under Advocates Act, 1961

6. Appeal under Representation of Peoples Act
7. Appeal under Special Court (Trial of Offences relating to Transaction and Securities) Act, 1992
8. Appeal under Telecom Regulatory Authority of India Act
9. Appeal under Electricity Act, 2003
10. Appeal under Securities and Exchange Board of India Act
11. Appeal under Income Tax Act
12. Appeal under Terrorist and Disruptive Activities (Prevention) Act, 1987

Original Jurisdiction

- **Writs** - Article 32 of the Constitution of India guarantees the right to move the Supreme Court for enforcement of Fundamental Rights. The Supreme Court has power to issue directions or orders or writs including writs in the nature of

Habeas Corpus means 'Bring the body' - an order to the detaining authority or person to physically present the detained person before the Court and show the cause of detention so that the Court can determine its legality or otherwise. If found illegal, the detained person is set free forthwith.

Mandamus means 'Command' - To act lawfully, it is addressed to Executive or Semi-judicial authority to perform a public duty and discharge a legal obligation.

Prohibition means 'Issued by higher court to lower court or tribunal' - It is intended to prohibit it from exceeding its jurisdiction.