

## CATEGORIES OF CASES IN SUPREME COURT

### Jurisdiction of the Supreme Court

The Supreme Court has original, appellate and advisory jurisdiction:

1. **Original jurisdiction** - extends to any dispute between the Government of India and one or more States or between the Government of India and any State or States on one side and one or more States on the other or between two or more States.

If the dispute involves any question (whether of law or of fact) on which the existence or extent of a legal right depends.

Article 32 of the Constitution gives an original jurisdiction to the SC in for the enforcement of the Fundamental Rights. It is empowered to issue directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto, and certiorari to enforce them.

The Supreme Court, if satisfied that cases involving the same or substantially the same questions of law are pending before it and one or more High Courts or before two or more High Courts and that such questions are substantial questions of general importance, may withdraw a case or cases pending before the High Court or High Courts and dispose of all such cases itself.

Under the Arbitration and Conciliation Act, 1996, International Commercial Arbitration can also be initiated in the SC.

2. **Appellate jurisdiction** - can be invoked by a certificate granted by the High Court concerned under Article 132(1), 133(1), or 134 of the Constitution in respect of any judgement, decree, or final order of a High Court in both civil and criminal cases, involving substantial questions of law.

Appeals also lie to the SC in civil matters if the High Court concerned certifies that:

- a. the case involves a substantial question of law of general importance,
- b. in the opinion of the HC, the said question needs to be decided by the SC.

In criminal cases, an appeal lies to the SC if the HC:

- a. has on appeal reversed an order of acquittal of an accused person and sentenced him to death or to imprisonment for life or for a period of not less than 10 years, 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- b. has withdrawn for trial before itself any case from any Court subordinate to it, and has in such trial convicted the accused and sentenced him to death or to imprisonment for life or for a period of not less than 10 years, or
- c. certified that the case is a fit one for an appeal to the SC.

# Parliament is authorized to confer the SC any further powers to entertain and hear appeals from any judgement, final order or sentence in a criminal proceeding of a High Court.

# The SC has a very wide appellate jurisdiction over all Courts and Tribunals in India, it may, in its discretion, grant special leave to appeal under Art. 136 of the Constitution from any judgement, decree, determination, sentence or order in any cause or matter passed by any Court or Tribunal.

3. **Advisory jurisdiction** - The SC has special advisory jurisdiction only in the matters which are specifically referred by the President of India under Art. 143.

There are provisions for reference or appeal to the SC:

- ★ Under Art. 317(1) of the Constitution,
- ★ Section 257 of the Income Tax Act, 1961,
- ★ Section 7(2) of the Monopolies and Restrictive Trade Practices Act, 1969,
- ★ Section 130-A of the Customs Act, 1962, Section 35-H of the Central Excises and Salt Act, 1944, and
- ★ Section 82C of the Gold (Control) Act, 1968.

Appeals also lie to the Supreme Court under:

- ★ the Representation of the People Act, 1951,
- ★ Monopolies and Restrictive Trade Practices Act, 1969,
- ★ Advocates Act, 1961,
- ★ Contempt of Courts Act, 1971,
- ★ Customs Act, 1962,
- ★ Central Excises and Salt Act, 1944,
- ★ Enlargement of Criminal Appellate Jurisdiction Act, 1970,
- ★ Trial of Offences Relating to Transactions in Securities Act, 1992,

- ★ Terrorist and Disruptive Activities (Prevention) Act, 1987, and
- ★ Consumer Protection Act, 1986.

# Election Petitions under Part III of the Presidential and Vice-Presidential Elections Act, 1952 are also filed directly in the SC.

Constitution of India - Under Articles 129 and 142, the SC has been vested with the power to punish for contempt of Court including the power to punish for contempt of itself.

Supreme Court Rules - Under Order XL, the SC may review its judgement or order but no application for review is to be entertained in a civil proceeding except on the grounds mentioned in Order XLVII, Rule 1 of the CPC and in a criminal proceeding except on the ground of an error apparent on the face of the record.

### **PUBLIC INTEREST LITIGATION (PIL)**

The SC entertains the matters which involve the public interest at large and any individual or group of persons either by filing a Writ Petition or by addressing a letter to Hon'ble the Chief Justice of India highlighting the question of public importance for invoking the jurisdiction.

# Several matters of public importance have become landmark cases.

# No other Court in the world has been exercising this extraordinary jurisdiction.

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