

Indian Judiciary System

The Supreme Court

- Article 124 of the Constitution has the provision of establishment and constitution of Supreme Court.
- There are currently 32 judges (including the Chief Justice of India) and maximum possible strength is 34.
- The proceedings of the Supreme Court are conducted in English language.
- Supreme Court Rules, 2013 replacing the 1966 Rules, have been framed under Article 145 of the constitution to regulate the practice and procedure of the Supreme Court.
- Every Judge of the Supreme Court after consulting the Chief Justice of the Supreme Court, is appointed by the President of India. (Art 124 (1 & 2))
- In appointment of the Chief Justice of India, President can consult such Judges of the Supreme Court and the High Court as he thinks appropriate.

Qualifications of a Supreme Court Judge:

- a citizen of India
- has been a High Court Judge for at least 5 years
- has been an Advocate of a High Court, or two or more courts in succession for at least 10 years (Art. 124(3)).
- No minimum age or fixed period of office is prescribed for appointment as a Judge of the Supreme Court.

A Judge of Supreme Court ceases to be so, on:

- Attaining the age of 65 years;
- Resigning in writing addressed to the President;
- On being removed by the President.
- The only grounds for such removal are proved misbehaviour and incapacity (Ref.: Art. 124(4)).

Procedure for removal or impeachment of a Supreme Court Judge:

- A motion addressed to the President signed by at least 100 members of the Lok Sabha or 50 members of the Rajya Sabha is delivered to the Speaker or the Chairman.
- The motion is investigated by a Committee of 3 (2 Judges of the Supreme Court and a distinguished Jurist).
- If the Committee finds the Judge guilty, report of Committee is considered in the House where the Motion is pending.



- If the motion is passed in each House by majority of the total membership of the House and by a majority of not less than two-thirds of the members present.
- The Judge is removed after the President gives his order for removal on such address.
- After retirement a Judge of the Supreme Court cannot plead or act in any Court or before any authority within the territory of India (Ref.: Art. 124(7)).

Jurisdiction of the Supreme Court is three-fold:

1. Original
2. Appellate
3. Advisory. Disputes between different States of the Union or between Union and any state is within exclusive Original jurisdiction of the Supreme Court (Ref.: Art. 131)

- The Supreme Court is the highest court of India.
- Supreme Court is the highest authority for interpretation of the Constitution.
- Supreme Court may hear appeals by granting special leave against any kind of judgement or order made by any court or tribunal (except a military tribunal).
- Under advisory jurisdiction, Supreme Court can give its opinion on any matter of law or fact of public importance referred to it by the President. (Ref.: Art. 143).

The High Court


- The High Court is the head of the Judiciary in the State.
- There are 25 High Courts in India.
- Six High Courts (Allahabad, Bombay, Gauhati, Madhya Pradesh, Madras and Rajasthan) have 11 Permanent Benches amongst themselves.
- Only Karnataka High Court has two circuit Benches at Dharwad and Gulbarga.
- High Court Judge is appointed by the President. President can consult the Chief Justice of India, the Governor of the State and also the Chief Justice of that High Court.
- The Judge of the High Courts in India is administered oath of office by the Governor of the State or some person appointed by him for the purpose.
- High Court judge's retirement age is 62 years.

High Court Judge can leave his office:

- By giving resignation to the President in written form.
- By appointed as a Judge of the Supreme Court or being transferred to any other High Court by the President.
- By removal by the President.
- High Court judge's removal structure is same as that of a Judge of the Supreme Court.

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Qualifications of a High Court Judge:

- Be a citizen of India.
- Not above 62 years of age.
- Must have 10 years' experience in judicial office in India or as advocate of a High Court, or of two or more such courts in succession in India.
- Salaries and allowances of the High Court Judges are charged on the Consolidated Fund of the State [(Art. 202(3) (d)].
- After retirement a permanent Judge of High Court cannot plead or act in a Court or before any authority in India, except the Supreme Court and a High Court in which he has not worked.

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