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JURISDICTION OF THE SUPREME COURT OF INDIA

INTRODUCTION

The Supreme Court of India, established under the Constitution of India, serves as the highest judicial authority in the country. According to Article 141 of the Constitution, any decision made by the Supreme Court holds authority over all courts across India.

The framework governing the federal judiciary is outlined in Part V, Chapter IV of the Constitution, encompassing Articles 124 to 147.

According to the Indian Constitution the Apex Court of India has 3 types of jurisdictions: Original, appellate, and advisory.

ORIGINAL JURISDICTION

The exclusive original jurisdiction granted by Article 131 allows the Supreme Court of India to adjudicate disputes involving the Government of India against states, inter-state disputes, or disputes between two or more states.

Furthermore, Article 32 empowers any individual to approach the Supreme Court to enforce fundamental rights through five writs: habeas corpus, mandamus, prohibition, quo warranto, and certiorari.

Under Article 139A, the Supreme Court has the authority to transfer pending cases that involve similar legal questions between itself and any High Court or among High Courts. It can also withdraw such cases and adjudicate them either on its own initiative (Suo-moto) or upon application by the Attorney General of India or the concerned parties.

Are states permitted to initiate an original lawsuit under Article 131?

The West Bengal Government initiated a case concerning "Rights in Mines in Coal-bearing areas" against the Central law ¹(Coal Bearing Areas (Acquisition and Development) Act, 1957) under Article 131, marking the first such lawsuit under the original jurisdiction of the Supreme Court. However, the Supreme Court dismissed the suit, affirming the validity of the Central Act.

There have been differing decisions from the Supreme Court concerning whether a State has the authority to initiate an original case under Article 131 to contest the constitutionality of a central law. In the 2012 case of State of Madhya Pradesh versus Union of India², it was determined that States do not have the right to contest a central law under Article 131.

Conversely, a different stance was taken in the 2015 judgment of the State of Jharkhand Vs State of Bihar ³case. This discrepancy led to the case being referred to a larger bench of the Supreme Court for a final decision, which is still pending.

APPELLATE JURISDICTION

The Supreme Court's appellate jurisdiction can be initiated through a certificate from the relevant High Court, covering Civil, Criminal, or other proceedings. Articles 132 to 134 of the Constitution delineate these provisions.

In essence, Articles 132 to 134 outline that if the High Court deems a matter to involve a significant question of law or of general importance, and believes it necessitates the Supreme Court's adjudication, it may issue a certificate to the concerned parties to appeal to the Supreme Court.

Furthermore, Article 134 empowers the Supreme Court to grant special permission for an appeal, known as Special Leave Petitions, at its discretion, from any judgment, decree, or order made by any court or tribunal within India's territory, excluding orders from the Armed Forces' courts or tribunals.

Moreover, the Supreme Court has the power to reconsider its own rulings as per Article 137 of the Constitution.

¹ State of West Bengal VS Union of India 1963 AIR 1241, 1964 SCR (1) 371

² State of Madhya Pradesh VS Union OF India 2012 AIR SCW 771, 2011 (9) SCALE 6

³ State of Jharkhand VS State of Bihar 25th November 2014

In the case of **Mohinder Singh v., the State (1950)**, an appeal was brought before the Supreme Court from the judgment of the High Court of Punjab and Haryana, which had upheld the death sentence of the appellant. The Supreme Court ruled that the High Court should only issue its certificate in exceptional circumstances. In this particular case, the Supreme Court allowed the appeal because it was considered a special case where a criminal appeal could be filed, as the accused had been convicted despite insufficient evidence. Consequently, the Supreme Court overturned the appellant's conviction.

Article 134(2) of the Constitution allows Parliament to expand the Supreme Court's criminal appellate jurisdiction through legislation. In the exercise of this power, Parliament passed the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970. This legislation granted the Supreme Court the authority to consider criminal appeals under specific circumstances, even without requiring a certificate from the High Court.

An appeal can be made directly to the Supreme Court without the High Court's endorsement if either or both of the following conditions are met:

- When a person is sentenced to death by a High Court while reversing an acquittal order.
- When the High Court takes over a case from a lower court, conducts the trial, and subsequently sentences the accused to death.

ADVISORY JURISDICTION

Article 143 mandates the Supreme Court to provide assistance to the President of India whenever consultation on matters of law or significant public importance is needed.

Moreover, Article 144 specifies that all civil and judicial authorities are obligated to support the Supreme Court. The Supreme Court also retains the authority to penalize for contempt of court, including contempt against itself, as outlined in Articles 129 and 142 of the Constitution.

In the notable case of *Re: Keshav Singh*⁴, Legislative Assembly, Keshav Singh and his associates distributed a pamphlet accusing one of the MLAs of corruption. Subsequently, Keshav was summoned by the Legislative Assembly. While his associates complied with the summons, Keshav did not appear, citing financial difficulties. Consequently, the Assembly issued an arrest order against him. A petition was submitted to the Allahabad High Court, contending that Keshav's arrest was unconstitutional.

⁴ Re. Keshav Singh AIR 1965 ALL 349

In a case where there was a dispute between the High Court and the State Assembly, the President sought the Supreme Court's advisory opinion under Article 143. The Supreme Court determined that the Allahabad High Court had the jurisdiction to consider the Habeas Corpus petition filed on behalf of Keshav and to issue a temporary order against the resolution of the Assembly.

It's important to highlight that the Supreme Court noted that its advisory opinion is not legally binding, and it's ultimately up to the discretion of the President whether to adhere to the opinion or not. However, the opinion holds significant judicial weight.