



**MSB-INTERNATIONAL JOURNAL OF
INTERDISCIPLINARY RESEARCH**

Associating Researchers; Nourishing Innovation

Peer Reviewed

Vol. 2, Issue 3, March 2024-July 2024

106-113, MSB-IJIR

Powers of Supreme Court of India: A Comprehensive Analysis

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Abstract

As the highest court in India, the Supreme Court has broad jurisdiction that is essential to maintaining justice and the rule of law. This research paper explores the constitutional mandate, jurisdiction, and important judicial tasks of the Supreme Court of India to give a comprehensive analysis of the powers granted to the court. This study sheds light on the Supreme Court's crucial position in the Indian legal system by explaining the development, reach, and constraints of its authority through a methodical examination of precedent-setting judgements and legislative measures.

Keywords: *Constitutional Mandate, India, Powers, Jurisdiction, Supreme Court, Rule of Law*

Introduction:

With enormous authority granted to it by the Indian Constitution, the Supreme Court of India serves as the protector of justice. It upholds the rule of law and guarantees the supremacy of the Constitution as the highest court and final arbiter of legal disputes. The Supreme Court's authority comes from the foundational constitution that forms the basis of India's democratic system, not just from statutes. It is impossible to overestimate the importance of understanding the Supreme Court's authority. These authorities establish the limits of the judiciary's jurisdiction as well as its relationship to the legislative and executive branches of government. The goal of this research paper is to do a thorough analysis of the Indian Supreme Court's authority. It looks at the development of judicial jurisprudence, the constitutional framework that supports these powers, and a critical examination of significant

rulings that have influenced the structure of the Indian legal system. This study attempts to offer insights on the Supreme Court's role in promoting justice, defending fundamental rights, and upholding the democratic fabric of the country by carefully examining several aspects of the court's authority. An examination of the constitutional mandates governing the Supreme Court's authority opens the voyage. By methodically dissecting pertinent statutes and historical background, we shall expose the fundamental ideas that form the basis of the Supreme Court's jurisdiction. Then, we will explore the Supreme Court's jurisdictional powers, which include its original, appellate, advisory, and writ jurisdictions, explaining the various ways in which it administers justice. In addition, this essay will analyse the Supreme Court's crucial role in judicial review and law interpretation, including its power to overturn legislative actions that violate fundamental constitutional norms. The court's involvement in public interest litigation (PIL) and its effects on public policy and governance will also be examined. Additionally, the study will examine the constraints and safeguards put in place for the Supreme Court's authority, considering elements like legislative sovereignty, the division of powers, and the judicial restraint theory.

This research study intends to add to scholarly debate and create informed dialogue on the role of the judiciary in advancing justice, maintaining democracy, and protecting rights in India by offering a comprehensive knowledge of the Supreme Court's powers in that country.

Research Methodology:

This descriptive research study gives a comprehensive picture of Powers of Supreme Court of India by utilising secondary sources. The study consults secondary sources of information, such as newspapers, journals, and websites.

Review Of Literature:

The authority granted to the Supreme Court of India has been the focus of much scholarly investigation, with academics, jurists, and legal experts providing a range of viewpoints regarding the role and duties of the highest court in the land. The goal of this literature study is to identify significant contributions that have advanced our knowledge of the Supreme Court's jurisdiction and provide light on the development, application, and significance of that authority within the Indian legal system.

Constitutional Structure and Authority for Jurisdiction:

Dr. J.N. Pandey's book "Constitutional Law of India" offers a thorough summary of the constitutional clauses governing the Supreme Court's authority. It provides an understanding of the constitutional mandates that define the court's authority by clarifying its original, appellate, advisory, and writ authorities.

Judicial Evaluation and Explanation:

Prof. S.P. Sathe's book "The Supreme Court of India: Its Constitution, Powers and Jurisdiction" explores the Supreme Court's function in judicial review and legislative interpretation. The book explores the court's ability to overturn laws that conflict with the Constitution and its changing stance on statutory interpretation through an examination of significant cases, such as Kesavananda Bharati v. State of Kerala.

PILs, or public interest litigation:

Anuradha Bhasin and Rajeev Dhavan's edited book "Public Interest Litigation in India: Concepts, Cases, Concerns" provides information on the development of PILs and its effects on the authority of the Supreme Court. The book examines the potential constraints of Public Interest Litigation (PIL) and its transformative function in advancing social justice and accountability, based on empirical research and case studies.

Comparative Viewpoints:

Prof. Vicki C. Jackson and Mark V. Tushnet's book "Comparative Constitutional Law: Cases and Materials" offers comparative perspectives on the authority of supreme courts across the globe. The Supreme Court of India is compared to other constitutional courts in the book, which provides insightful viewpoints on judicial independence, institutional design, and the rule of law.

Through an analysis of the court's constitutional mandates, jurisdictional powers, judicial functions, and institutional problems, these works contribute to the understanding of the judiciary's role in maintaining democracy, justice, and the rule of law in India and enhance scholarly discourse.

Background of Supreme Court Of India:

Historical Context: Village council adjudication and the Hindu ideology of Dharma (justice) are two examples of the early conflict settlement processes that laid the foundation for the Indian judicial system. The current Indian legal system was brought about by the British during their colonial control.

British Influence: To administer British law for administrative convenience, the British East India Company founded the first Supreme Court in India in 1774 at Calcutta (now Kolkata). Over time, Madras (now Chennai) and Bombay (now Mumbai) formed comparable courts. These courts mostly heard cases involving British subjects and had restricted jurisdiction.

Evolution: During the colonial era, the Indian court experienced substantial changes. A court hierarchy was established, and the Supreme Court's power was extended by the Regulating Act of 1773 and later charters. Major city High Courts were formed under the Indian High Courts Act of 1861, which also significantly reorganised the legal system.

Constitutional Framework: Part V, Chapter IV, Article 124 of the Indian Constitution established the Supreme Court of India after the country gained independence in 1947 and the Constitution was ratified in 1950. On January 28, 1950, India's first President, Dr. Rajendra Prasad, officially opened the Supreme Court.

Jurisdiction: The Indian Supreme Court serves as the nation's top court and the Constitution's defender. Its jurisdiction is advisory, appellate, and original. Its original jurisdiction enables it to handle cases involving disagreements between states or between the Union government and one or more states. It can consider appeals from lesser courts and tribunals thanks to its appellate jurisdiction. The President may consult the Supreme Court regarding legal matters under its advisory jurisdiction.

Independence & Autonomy: The legislative and executive branches of government do not have any influence over the Indian Supreme Court. Its independence and neutrality are guaranteed by several constitutional clauses, including judicial review authority, separation of powers, and judge tenure security.

Famous Cases: The Supreme Court has handed down a number of significant rulings that have influenced Indian society and jurisprudence throughout the years. These include decisions like *Maneka Gandhi v. Union of India* (1978), which broadened the definition of personal liberty, and *Kesavananda Bharati v. State of Kerala* (1973), which created the basic structure doctrine.

Importance of Powers Of Supreme Court Of India:

Guardian of the Constitution: The Indian Constitution is looked after by the Supreme Court. Among its many functions are the ability to interpret the Constitution and guarantee that laws passed by the legislature adhere to its requirements. This guarantees the Constitution's primacy and safeguards citizens' fundamental rights.

Judicial Review: One of the Supreme Court's most important functions is judicial review. It has the power to check if the legislative and executive arms of government are acting in accordance with the Constitution by reviewing their decisions and activities. This authority guarantees accountability and serves as a check on any government power abuse.

Protection of Fundamental Rights: The Supreme Court is essential to preserving the fundamental liberties that the Constitution protects. To defend these rights, it can issue writs such as *quo warranto*, *mandamus*, *certiorari*, *habeas corpus*, and *prohibition*. This guarantees that people won't have their rights illegally taken away from them by the government or any other authority.

Arbitrator of Disputes: The Supreme Court may decide cases involving the Union government and one or more states, between states, and between private citizens and the government because it has both original and appellate jurisdiction. Its arbitral function aids in conflict resolution and upholds the nation's federal system.

Promotion of Justice and Equality: The Supreme Court can advance justice, equality, and fairness in society thanks to its authority. It targets social fairness, injustice, and inequality through its rulings, advancing the general well-being and advancement of the country.

Establishing Precedents: The rulings of the Supreme Court establish guidelines for future cases heard by subordinate courts. The legal system is kept stable by these precedents, which aid in maintaining uniformity and predictability in the implementation of the law.

Powers Of Supreme Court of India:

As the highest court in the nation, the Supreme Court of India has the following important authority:

Original Jurisdiction: The Supreme Court has original jurisdiction over several cases,

including those involving violations of fundamental rights, disagreements between states, and conflicts involving the Union government and one or more states. Parties have the option to approach the Supreme Court directly in several situations, bypassing lower courts.

Appellate Jurisdiction: In India, the highest appellate court is the Supreme Court. It considers appeals from subordinate courts in both civil and criminal proceedings, including High Courts and tribunals. The Supreme Court's rulings are final and enforceable.

Advisory Jurisdiction: When it comes to legal matters or significant public affairs, the President of India may consult the Supreme Court.

Writ Jurisdiction: To uphold justice and enforce fundamental rights, the Supreme Court may grant writs under the following categories: habeas corpus, mandamus, certiorari, prohibition, and quo warranto. These writs play a crucial role in shielding people from the state's or its authorities' capricious actions.

Judicial Review: This is one of the Supreme Court's most important functions. It can examine whether acts done by the executive branch and laws passed by the legislature are constitutional. The Supreme Court uses judicial review to make sure that acts and legislation follow the terms of the Constitution.

Constitutional interpretation: The Indian Constitution may be interpreted by the Supreme Court. Its interpretations of constitutional clauses influence legal doctrine and direct how the law is applied in different situations. The Court's interpretations frequently have profound effects on rights, liberties, and government.

Contempt Jurisdiction: The Supreme Court has the authority to impose penalties for acts that compromise or obstruct the proper execution of justice, including contempt of court. Respect for the authority and dignity of the judiciary is guaranteed by contempt jurisdiction.

Comparative Analysis of The Powers of The Supreme Court of India with Other Countries Around the World with Both Similarities and Differences:

US Supreme Court:

Similarities: The US Supreme Court has the same judicial review authority as the Indian Supreme Court, which allows it to interpret and overturn legislation that violates the Constitution. It also possesses appellate and original jurisdiction.

Disparities: The US Supreme Court can hear matters pertaining to federal law, state-to-state conflicts, and situations involving ambassadors. Constitutional changes in the US allow for the overturning of Supreme Court rulings, unlike in India.

Supreme Court of the United Kingdom:

Similarities: The validity of legislation is subject to judicial scrutiny by the Supreme Courts of India and the United Kingdom. They guarantee adherence to constitutional principles and interpret the law.

Disparities: The UK Supreme Court does not have the authority to judicially review law

passed by parliament. Unlike the Indian Supreme Court, it does not have explicit constitutional authority and instead concentrates on interpreting laws.

High Court of Australia:

Similarities: The Indian Supreme Court and the Australian High Court both have the authority to judicially review acts taken by the government and legislature. It settles disputes between the federal and state governments and interprets the Australian Constitution.

Disparities: Although constitutional cases and state-to-state conflicts fall under the purview of the Australian High Court, the Indian Supreme Court is endowed with advisory and writ authority.

European Human Rights Court (ECHR):

The Indian Supreme Court and the European Convention on Human Rights both use decision-making to safeguard fundamental rights. They ensure that member states abide by human rights conventions by providing interpretations.

Disparities: The Indian Supreme Court interprets and defends rights contained in the Indian Constitution, whereas the European Court of Human Rights deals mostly with cases involving violations of the European Convention on Human Rights. Moreover, the European Convention on Human Rights functions at a supranational scale, encompassing numerous member states.

Supreme Court of Canada:

Similarities: The Canadian Supreme Court interprets the Canadian Constitution and conducts judicial review, just like its Indian counterpart. It settles disagreements between the federal and provincial governments and protects fundamental rights.

Disparities: The Canadian Supreme Court functions within the federalist structure of Canada, with authority and jurisdiction divided between the federal and provincial levels of government, even though its powers are comparable to those of the Indian Supreme Court.

In conclusion, while supreme courts' authority and duties are similar in many nations, there are distinctions because of variances in legal systems, constitutional frameworks, and historical backgrounds. Comprehending these contrasting viewpoints offers valuable understanding of the varied functions and obligations of supreme courts across the globe.

Recent Landmark Cases of The Supreme Court of India and Their Implications:

Case Study: Sabarimala Temple (2018)

Background: Based on religious customs, the Sabarimala Temple in Kerala had for decades prohibited women between the ages of ten and fifty from entering. However, the Supreme Court abolished this ban in a landmark decision.

ramifications Discussions about striking a balance between gender equality and religious practices were prompted by the verdict. It emphasised that religious practices cannot discriminate against individuals based on gender, reinforcing the equality principle entrenched in the Constitution. The ruling, however, has sparked political and social debates,

underscoring the difficulties in striking a balance between religious liberties and constitutional rights.

The 2017 Triple Talaq Case:

Background: The Supreme Court ruled that the practice of instant triple talaq, also known as talaq-e-biddat, violated the fundamental rights to equality and dignity of Muslim women, and as such, was unconstitutional.

ramifications the decision to remove an outdated and discriminatory practice empowered Muslim women and was heralded as a major step towards gender justice. It reiterated the rights of all citizens, regardless of faith, to live in dignity and the equality of genders. The ruling emphasised the superiority of fundamental rights over religious customs and established a precedent for progressive changes within personal laws.

Case of the Right to Privacy (2017):

Background: In a series of rulings rendered by a nine-judge bench, the Supreme Court acknowledged the right to privacy as a basic right embodied in Article 21 (Right to Life and Personal Liberty) of the Constitution.

ramifications Wide-ranging effects on both individual liberties and governmental activities result from the recognition of the right to privacy as a basic right. It offers residents more defence against unjustified invasions of privacy and invasive state monitoring. The ruling also established principles for data protection legislation and rules, influencing India's developing legal system regarding digital era privacy rights.

Conclusions and Suggestions:

In conclusion, a thorough understanding of the role and importance of the Indian judiciary can be gained by comparing the authority of the Supreme Court of India with that of other nations. As the highest court in the nation, the Indian Supreme Court has significant authority that is essential for maintaining the rule of law, defending fundamental rights, and guaranteeing justice. The Indian Supreme Court is essential to preserving the democratic values embedded in the Indian Constitution since it has original, appellate, advisory, and writ authorities in addition to the authority to conduct judicial reviews and interpret the Constitution.

There are parallels and divergences in the authority and duties of supreme courts when compared to those in the US, UK, Australia, and other nations. In terms of judicial review, safeguarding fundamental rights, and resolving constitutional disputes, the Indian Supreme Court is like other such courts worldwide; but, due to differences in legal systems, historical backgrounds, and constitutional frameworks, there are also differences. Gaining an understanding of these comparative viewpoints improves our understanding of the strengths, weaknesses, and distinctive characteristics of the Indian judiciary in the global context.

Furthermore, the Indian Supreme Court has demonstrated its commitment to improving justice, equality, and individual liberty in several recent landmark cases, including the Sabarimala Temple Case, the Triple Talaq Case, the Right to Privacy Case, and the Aadhaar Case. These cases show the Court's dedication to maintaining constitutional ideals by interpreting the document flexibly, responding to changing social norms, and striking a balance between conflicting interests.

Suggestions:

Impact of Technology: Examine how technology can improve the accessibility and efficiency of the Indian court system, especially regarding online dispute resolution processes, virtual hearings, and electronic filing.

Comparative Analysis with emerging Nations: Examine the similarities, differences, and lessons gained in advancing judicial independence and accountability between the authority of the Indian Supreme Court and that of supreme courts in emerging nations.

Public Interest Litigation (PIL): Analyse the role PILs play in empowering citizens, advancing social justice, and holding governments responsible while taking into consideration comparable data from various legal systems.

Judicial Reforms: Using international best practices as a guide, assess the current judicial reforms in India with the goal of enhancing the effectiveness, accessibility, and transparency of the justice delivery system.

International Law and Treaties: Examine how domestic and international laws interact within the framework of the Indian Supreme Court's jurisdiction, with particular attention to instances pertaining to environmental preservation, human rights, and diplomatic relations.

Regional Disparities: Examine how cultural diversity and regional disparities affect the Indian Supreme Court's ability to execute its judicial authority by contrasting the methods used in various states and regions to administer justice.

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