



Polity Class Notes for IAS and PCS

Chapter no: 27

High Court and Supreme Court

High court and Supreme Court	
Original Jurisdiction	
<p>It mean power of HC to hear dispute regarding following:</p> <ul style="list-style-type: none"> ➤ Election of Member of Parliament state legislature. ➤ Regarding Revenue matter ➤ Enforcement of FR of citizen ➤ Case ordered to be transferred from subordinate comet involving interpretation of constitution to its own force ➤ Writ function – Art 228 ➤ Appellate jurisdiction <ol style="list-style-type: none"> 1. Civil matter 2. Criminal matter 	
Appellate Jurisdiction	
<ul style="list-style-type: none"> • Civil matter • Criminal matter 	
SC	HC
Original	Original
Dispute between centre & state	Election of MP & SL, Revenue matter
Writ – Art 32	Writ-Art 226
Appealed	Appealed
Civil, Criminal, Constitution special lead	Civil & Criminal
HC – Combination	
<ol style="list-style-type: none"> 1. Punjab & Haryana -> Chandigarh 2. Assam + Mizoram + Manipur + Tripura + Meghalaya + Nagaland -> Guwahati 3. West Bengal +Andaman Nicobar -> Kolkata 4. Mumbai + Goa + Daman & Diu & Dadar & Nagar Haveli -> Bombay 5. Kerala & Lakshadweep -> Ernakulam (Kerala) 6. Madras + Tamil Nadu + Puducherry ->Chennai 7. Delhi 	



Like – USA has unified judiciary & one system of fundamental law & justice.

In 1935 GoI Act, Federal Cent of India changed into SC on 26 Jan, 1950.

SC – Power, organization, jurisdiction, procedural, independency – given by constitution.

President appoint (CJI with consult of judge & HC judge – if they think Judge of SC oath by president to bear true faith & allegiance to the constitution of India.

Ground of Removal

- Misbehave
- Incapitance
- Speaker of chairman may admit the motion of impeachment or refuse it.
- If Admit – 3 Member Committee → Report (on Misbehave and Incapitance) → pass to LS/RS (should be pass with Majority Part 2/3) → President → Order for Removal
- For SC judge & HC judge
- Retire judges of SC can act judge as SC by CJI with prior consult of President.
- They also enjoy all privileges, power etc. of SC but he will not otherwise to deemed to be judge of SC.

Independence of SC

1. Salary, expenses is out of CFI.
 2. Contempt of court
 3. Mode of appointment – President by
 4. Fixed service & tenure & security
 5. Ban on Practice after retirement
 6. Its jurisdiction cannot be curtailed – not less power by parliament.
 7. Freedom to appoint its staff
 8. Separation from executive
 9. Conduct of judge cannot be discuss
- Ist chef justice of India – Harilal
 - Art 124 – SC established
 - Art 143 – the President of the country can ask for the opinion and the advice of the Supreme Court on matters of public importance or certain laws which acts as expedient to the constitution.
 - Sarkaria commission and Rajamannar committee – set up relation between centre & state.

Inter – state council (Art 263)

- PM –as chairman
- CM of all state & UT
- 6 Central cabinet minister including home minister nominated by PM
- Council meet at least 3 year

Zonal council

- Not constitutional body
- Statuary, bodies by state Recognition Act, 1956



- Each zonal council consist
 - Home minister as chairman
 - CM of all state
 - Two other minister from each zone
 - Administration of each VT in zone

1. North zonal council → New Delhi
2. Central zonal council → Allahabad
3. Easter zonal council → Kolkata
4. Western zonal council → Mumbai
5. South zonal council → Chennai

1. Art 262: Dispute regarding Inter – state river or valley dispute – by interstate council
2. Art 263: Interstate council
3. Schedule 7: distribution of power between state and centre
4. Art 280: Finance commission
5. Art 268A, 269: Related tax distribution between centre and state
6. Art 275: Parliament make grant to state need of financial assistance on (FC) – Statutory grants
7. Art 282: Empower both centre & state to make grant for any public purpose– on (PC)- Discretionary grants

Subordinate Court

Art 233 – Appointment of district judge

1. Appointment, posting & Promotion of district judge in state are made by governor of state constitution with HC.
Should be advocate for – 7 year at time not in centre & or state govt. service.
2. Other judge ha district judge – by governor with consult state public commission & HC.
3. Level
 - Level1:HC (By governor with HC)
 - Level2: District court
 - If civil case deal – district court
 - If criminal case deal – seunion court
 - Level3: Civil side – Subordinate, Judge’s court, Massif’s court
 - Criminal side – chief judicial, magistrate court – Judicial magistrate court.

- 249: Power of Parliament to make law on state list
- 250: Power of the parliament to legislate concerning any matter in the state list if the proclamation of emergency is in operation.



Difference between High and Supreme Court

Difference between SC & HC & USA - Court	
SC – 124 Art	HC – 214 Art
1. System of courts adopted from GoI – 1935 enforced centre & state laws whereas – in USA – Federal court law & State court law, double system of courts in USA.	1. HC was set up in 1862, at Calcutta, Bombay & Madras. In 1864 – 4 th HC setup at Allahabad.
2. SC – on Jan 28, 1950 (from Federal court Act 1935)	2. 7 th Amendment Act 1956 authorized the Parliament to establish a common HC for two or more states or for two or more state, Present – 21 HC.
3. SC – 31 st Judge – (chief 1 to 30 judge) ➤ SC Judge – appointed by President of the consultation with such judge of SC/HC.	3. CJ of HC appointed by President with consultation with governor.
4. Judge Case ➤ First judge case – only mean exchange of views. ➤ Second judge case – Tendered advice of chief justice binding on President. ➤ Third judge case – CJI – Consult 4 senior most judge of SC. If two – not agree – not send recommendation to President.	4. Qualified – should citizen of India + 10 year advocate in HC ➤ Oath by governor to chief judiciary
5. eligibility : ➤ Judge of SC = eligible, judge of HC for 5 year = 10 year of section court. ➤ Oath and Affirmation by President to SC Judge ➤ 65 year age: No minimum age is prescribed for judge of SC. ➤ Removal of judge – 2/3 rd special majority for LS/RS • LS – 100 member (writing to speaker) • RS – 50 member (writing to Chairman)	4. eligibility: 62 year, ➤ removed by President ➤ 2/3 rd each house should be pass directly – same • LS – 100 member • RS – 50 member ➤ President can transfer judge from one court to another court with consult of CJI ➤ Third judge can of HC → Judge transfer by – committee consist of 4 seating judges SC + CJI + CJ of HC



<ul style="list-style-type: none"> ➤ If LS not in session – then writing to President both set enquiry in both house of 3 Members <ul style="list-style-type: none"> • CJ of SC • CJ of HC • District court ➤ Then procedure is same for SC & HC judge impeachment ➤ President can appoint judge of (SC) as acting chief of justice. ➤ Adhoc: Lack of quorum of permanent judge to hold on continue session, CJI can appoint consult of CJ of HC with prior permission of President. 	<ul style="list-style-type: none"> ➤ Acting chief spectrum – President can appoint judge of HC to chief of HC in came of absence of him. ➤ Addition & acting judge of also allowed
<p>6. Constitution declare Delhi as seat of SC. If other place appoint only by president/ CJI. Or other court gave decision to place of SC seat other than Delhi – only by CJI President.</p> <p>Constitutional case or reference made by President under Art 143 are decided at least 5 judge.</p>	<p>6. HC issue writ jurisdiction under Art 226.</p>
Power of SC	
<ul style="list-style-type: none"> ➤ Dispute between federal unit ➤ Inter – water state dispute ➤ Writ jurisdiction – 5 writ under Art 32 HC – also empowered to Issue writ for enforcement of FR (Both HC/SC) ➤ SC can issue writs only for enforcement of FR no other. But HC can FR as well as other purpose. ➤ Writ power of HC > SC ➤ In civil matter – application to SC, from judgement of HC if HC certified – can involve substantial question of law of general Importance ➤ Criminal matter (can go to SC in case of)– Sentence to imprisonment more than 10 year And Death fund ➤ Many limitation on sovereignty of Parliament <ul style="list-style-type: none"> • FR • Division of power • Writing constitution • Judicial rules 	



Indian Judiciary System

Procedure established by law – our SC determine constitutionality of a law, however examine only substantive question i.e. law is within power of Authority or not. It is not expected to go into question of its reason – suitable or policy implication.

But USA – dual proceed of law – wide scope of SC, grant protection to right to its citizens. It can declare law violate of them right valid not only on substantive grant. But also procedure grand.

Dispute regarding election of President & UP – SC & HC communicate special major with consult of half of state. But jurisdiction of SC & HC – came under simple majority i.e. not under Art 368.

HC List

1. UP – Allahabad
2. Hyderabad-Telangana
3. Bombay – Mumbai
4. Delhi – Delhi
5. Chhattisgarh –Bilaspur
6. Gujarat – Ahmedabad
7. Himachal Pradesh – Shimla
8. Jammu & Kashmir – Srinagar
9. Jharkhand – Ranchi
10. Karnataka – Bangalore
11. Kerala & Lakshadweep – Ernakulam
12. Orissa – Cuttack
13. Patna – Bihar
14. RJ – Jodhpur
15. Sikkim – Gangtok
16. Uttarakhand – Nanital
17. Madras & TN & Puducherry – Chennai
18. Assam, Manipur, Meghalaya, Nagaland, Tripura, Mizoram – Guwahati
19. West Bengal & Andaman & Nicobar – Calcutta

Note

6. SC – established under Art 124
7. HC – established under Art 214
8. District court established under Art 233
9. Art 143 – at least 5 judge for regards constitution case or reform of President.
10. Writs power of SC – under Art 32
11. Writs power of HC – under Art 226
12. 7th amendment – governor for more than one state – from HC
13. Art 223 – appointment of acting chief justice
14. Art 224 – appointment of judge



Other link for study of UPSC-UPPCS

DAILY CURRENT AFFAIRS	http://raheineducation.com/daily-current-affairs/
DAILY MAINS PRACTICE QUESTION	http://raheineducation.com/daily-mains-question-practise/
TEST SERIES	http://raheineducation.com/upsc-uppcs-test-series-20-test/
PRE NOTES	http://raheineducation.com/upsc-uppcs-pre-exam/
MAINS NOTES	http://raheineducation.com/upsc-uppcs-mains-notes/

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