



Diamond Jubilee of the Supreme Court

For Prelims: [Supreme Court of India](#), [Indian Constitution](#), Digital Courts 2.0, [Government of India Act of 1935](#), [Chief Justice of India](#), Eligibility Criteria for Appointment of Judges of SC, Removal of Judges, Independence of SC

For Mains: Current Major Issues Related to the Supreme Court, Collegium System, NJAC.

Source: [PIB](#)

Why in News?

Recently, the [Supreme Court of India \(SC\)](#) held its **Diamond Jubilee Celebration (75th anniversary)** at the Supreme Court Auditorium in Delhi. It also coincides with the 75th anniversary of the [Indian Constitution](#).

- The event witnessed the launch of several **citizen-centric information and technology initiatives** aimed at enhancing judicial accessibility and transparency.

What are the Major Highlights of the Event?

- Digital initiatives, including the **Digital Supreme Court Reports (Digi SCR) and Digital Courts 2.0 and a revamped SC website** were launched as a part of the event.
 - The **Digital Supreme Court Reports (Digi SCR)** initiative aims **to provide free, electronic access to Supreme Court judgments** since **1950**, fostering transparency and accessibility.
 - **Digital Courts 2.0**, leveraging **AI for real-time transcription of court proceedings**, represents a significant leap towards efficient record-keeping and judicial processes.
 - The revamped Supreme Court website, **available in bilingual format (English and Hindi)**, offers a user-friendly interface for seamless access to judicial information.
- Efforts to enhance accessibility to justice, **particularly in remote areas**, were emphasised, with a focus on expanding the reach of the Supreme Court.
- Investments in physical infrastructure, such as the **expansion of the Supreme Court Building Complex**, were also highlighted as crucial steps towards bolstering judicial efficiency.

What are the Key Points Related to the Supreme Court?


- **Establishment:** On the **28th January 1950**, two days after India became a [Sovereign Democratic Republic](#), the Supreme Court came into being.
 - It succeeded the **Federal Court of India**, established under the [Government of India Act of 1935](#).
 - However, the jurisdiction of the Supreme Court is greater than that of its predecessor because it also **replaced the British Privy Council** as the highest court of appeal.
- **Constitutional Provisions: Articles 124 to 147 in Part V** of the Constitution deal with the **organization, independence, jurisdiction, powers, procedures** and so on of the Supreme

Court.

- The Parliament is also authorised to regulate them.
- **Current Composition:** The Supreme Court of India **consists of 34 judges including the Chief Justice of India**, all appointed by the President of India.
 - The original Constitution of 1950 envisaged a Supreme Court with a **Chief Justice and 7 puisne Judges**, leaving it to Parliament to increase this number.
- **Appointment:** The **President appoints the [Chief Justice of India](#)** after consulting with select judges from the Supreme Court and High Courts.
 - Other judges are appointed by the President after consulting with the Chief Justice and additional judges from the Supreme Court and High Courts.
 - **Consultation with the Chief Justice of India is mandatory** for the appointment of any judge other than the Chief Justice of India.
- **Eligibility Criteria for Appointment:** To qualify as a Supreme Court Judge, a person must be an Indian citizen.
 - Additionally, they must have served as a **Judge in a High Court for at least five years consecutively**, or as an **Advocate in a High Court for at least ten years consecutively**, or be recognized as a **distinguished jurist by the President**.
 - However, the Constitution has **not prescribed a minimum age for appointment as a judge** of the Supreme Court.
 - They **retire upon reaching the age of 65 years**.
 - Post-retirement, **Judges are prohibited from practicing** in any court or before any authority in India.
- **Removal of Judges:** A judge of the Supreme Court can be removed from his office by an **order of the President**.
 - The President can **issue the removal order only after an address by Parliament** has been presented to him **in the same session** for such removal.
 - The address must be supported by a **special majority** of each House of Parliament i.e., by a **majority vote of two-thirds of members present and voting**, on grounds of **proven misbehavior or incapacity**.
- **Language of Proceedings and Regulation:** Proceedings in the Supreme Court are conducted exclusively in **English**.
 - **Supreme Court Rules, 1966, and Supreme Court Rules 2013** are framed under **Article 145** of the Constitution to govern the practice and procedure of the Supreme Court.
- **Independence of Supreme Court:**
 - **Fixed Service Conditions:** Parliament determines judges' salaries, allowances, and other benefits, ensuring stability in service conditions unless altered during a **financial emergency**.
 - Salaries, allowances, and administrative costs are **charged on the [Consolidated Fund](#)**, making them **non-votable by Parliament**, thereby ensuring financial independence.
 - **Conduct Immunity:** Parliament and State Legislatures are barred from discussing judges' conduct, except during impeachment proceedings (**Article 121**).
 - **Contempt Power:** The Supreme Court has the authority to punish contempt, ensuring respect for its decisions and authority (**Articles 129**).
 - **Staff Appointment Autonomy:** The Chief Justice of India has the **freedom to appoint Supreme Court staff** and set their service conditions, free from executive interference.
 - **Jurisdiction Protection:** Parliament cannot curtail the Supreme Court's jurisdiction, although it can extend it.
 - **Separation from Executive:** The Constitution mandates the **separation of the judiciary from the executive** in public services, eliminating executive influence in judicial matters upon implementation (**Article 50**).
- **Significance of the Supreme Court:**
 - **Guardian of the Constitution:** The Supreme Court safeguards the Constitution, ensuring its supremacy and protecting **fundamental rights by issuing writs under [Article 32](#)**.
 - **Upholding Rule of Law:** It acts as the **final arbiter of legal disputes**, interpreting laws and ensuring their just application through the **power of [Judicial Review](#)**.
 - **Social Justice and Human Rights:** The court plays a vital role in promoting social justice, protecting marginalised communities, and upholding human rights..

- **Checking Executive Overreach:** It serves as a **check on the executive branch**, ensuring its actions are within the ambit of the law.

WRITs



TYPE OF WRIT	PURPOSE	CAN BE ISSUED AGAINST	CAN'T BE ISSUED AGAINST
Habeas Corpus	Direct the release of a person detained unlawfully	A. Public authorities B. Private individuals	A. Lawful detention B. Proceeding concerns contempt of court/legislature C. Detention outside the court's jurisdiction
Mandamus	Direct a public authority to do its duty	A. Public body B. Corporation C. An inferior court D. Tribunal E. Govt	A. Pvt. individual/body B. A discretionary duty C. Contractual obligation D. President, Governor E. CJI, CJ of HC acting in Judicial capacity
Quo Warranto	Direct a person to vacate an office assumed wrongfully	Only against judicial/quasi-judicial authorities	Administrative, legislative and pvt bodies and individuals
Prohibition	Prohibit a lower court from proceeding on a case	Judicial, quasi-judicial and admin. authorities	Legislative and pvt bodies and individuals
Certiorari	A higher court removes a proceeding from lower court & bring it before itself	Only a statutory/ constitutional public office	A. Ministerial office B. Pvt office

CONSTITUTIONAL PROVISIONS

- ✦ **Article 32:**
 - SC can issue writs
 - Parliament can empower any other court to issue writs (however, no such provision exists till now)

Under Article 32, the SC is constituted as a defender and guarantor of the fundamental rights
- ✦ **Article 226:**
 - HCs can issue writs

Before 1950, only the HCs of Calcutta, Bombay and Madras had power to issue writs

WRIT JURISDICTION

CHARACTERISTICS	SUPREME COURT	HIGH COURT
Purpose of Issuing Writs	Only to enforce Fundamental rights	To enforce legal as well as Fundamental rights
Writ can be issued against a person/govt	Located anywhere throughout the territory of India	Located only within its territorial jurisdiction or if action arises within its territorial jurisdiction
Right to refuse exercising writ jurisdiction	N/A because Article 32 is an FR itself	May refuse; as a remedy under Article 226 is discretionary

What are the Major Issues Related to the Supreme Court?

- **Pendency of Cases:** One of the perennial challenges facing the Supreme Court is the **backlog of cases**. Despite efforts to increase efficiency, the sheer volume of cases continues to strain the court's resources.



- **Judicial Activism vs. Judicial Restraint:** There's an ongoing debate surrounding the appropriate role of the judiciary, with discussions **on whether the Supreme Court should be more proactive in addressing social and political issues** or exercise restraint and limit intervention.
- **Concerns of Appointment of Judges:** The process of judicial appointments, particularly the role of the **Collegium system**, has been a topic of contention. There have been discussions on

reforms like the [National Judicial Appointment Commission](#) to make the appointment process more transparent and accountable.

- **Technology and Access to Justice:** While initiatives like **e-filing and virtual hearings** have been implemented to improve access to justice, **challenges remain in ensuring equitable access, particularly for marginalised communities** with limited access to technology.
- **Inadequate Women Representation in SC:** At the moment, **only three of the Supreme Court's total judges are women.** This reflects the skewed representation of women in the legal system

Way Forward

- **Splitting the Supreme Court:** The **Tenth Law Commission of India** recommended dividing the Supreme Court into two divisions: the **Constitutional Division and the Legal Division.**
 - According to the proposal, only matters related to constitutional law would be heard by the Constitutional Division.
 - Similarly, the **Eleventh Law Commission** reiterated in 1988 that splitting the Supreme Court into divisions **would enhance access to justice and reduce litigants' fees.**
 - Also, **229th Law Commission Report, 2009** recommended four regional benches to be located in **Delhi, Chennai or Hyderabad, Kolkata, and Mumbai to hear non-constitutional issues.**
- **Enhanced Judicial Sitting:** The [Malimath Committee](#) proposed an increase in the **Supreme Court's working days to 206 days**, advocating a **reduction of vacation time by 21 days** to address the backlog of pending cases.
 - Similarly, the **2009 Law Commission, in its 230th report**, recommended a reduction of court vacations by **10-15 days** across all levels of the judiciary to alleviate the backlog of cases.
- **Revisiting the Establishment of NJAC:** The [NJAC Act](#) can be amended to incorporate safeguards to ensure its constitutionality, as well as reorganized to **ensure that majority control remains with the judiciary.**
- **Enhancing Gender Diversity in the Judiciary:** Implementing a fixed percentage of female judges would foster the development of a gender-inclusive judicial system in India.
 - The upcoming appointment of **Justice B.V. Nagarathna as India's first female Chief Justice of India**, anticipated in September 2027, is a significant stride towards achieving gender parity within the judiciary.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. With reference to the Indian judiciary, consider the following statements: (2021)

1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with the prior permission of the President of India.
2. A High Court in India has the power to review its own judgement as the Supreme Court does.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (c)

Q. What was the exact constitutional status of India on 26th January, 1950? (2021)

- (a) A Democratic Republic
- (b) A Sovereign Democratic Republic

- (c) A Sovereign Secular Democratic Republic
(d) A Sovereign Socialist Secular Democratic Republic

Ans: (b)

Mains

Q. Critically examine the Supreme Court's judgement on 'National Judicial Appointments Commission Act, 2014' with reference to the appointment of judges of higher judiciary in India. **(2017)**

PDF Refernece URL: <https://www.drishtias.com/printpdf/diamond-jubilee-of-the-supreme-court>

