

# The Apex Court: Power and Functions of the Supreme Court in India

The Supreme Court of India is the highest judicial authority in the country, established on January 28, 1950. As the guardian of the Constitution, it plays a pivotal role in shaping the country's legal framework.

## Powers of the Supreme Court:

1. **Original Jurisdiction:** The Supreme Court has original jurisdiction in cases involving federal disputes, such as disputes between the Centre and states or between states (Article 131).
2. **Appellate Jurisdiction:** It hears appeals from lower courts, including High Courts, in civil, criminal, and constitutional matters (Articles 132-134).
3. **Advisory Jurisdiction:** The President can seek the Supreme Court's advice on matters of public importance (Article 143).
4. **Writ Jurisdiction:** The Supreme Court can issue writs, such as habeas corpus, mandamus, prohibition, quo warranto, and certiorari, to enforce fundamental rights (Article 32).
5. **Review Power:** The Supreme Court can review its own judgments (Article 137).
6. **Curative Power:** It can correct errors in its own judgments (Article 142).

## Functions of the Supreme Court:

1. Constitutional Interpretation: The Supreme Court interprets the Constitution and ensures that laws are in line with it.
2. Protection of Fundamental Rights: It safeguards citizens' fundamental rights, including the right to life, liberty, and equality.
3. Dispute Resolution: The Supreme Court resolves disputes between the Centre and states, states and states, or between individuals and the state.
4. Judicial Review: It reviews the constitutionality of laws and government actions.
5. Precedent Setter: The Supreme Court's decisions set binding precedents for lower courts.

### Key Features:

1. Independence: The Supreme Court is independent of the executive and legislature, ensuring impartial decision-making.
2. Finality of Decisions: Its decisions are binding on all courts in India.
3. Power of Judicial Activism: The Supreme Court can take up issues suo motu (on its own) and issue directions to the government.

### Notable Examples:

1. Kesavananda Bharati case (1973): The Supreme Court established the doctrine of basic structure, limiting Parliament's power to amend the Constitution.
2. Maneka Gandhi case (1978): The court expanded the

scope of Article 21, ensuring the right to life and personal liberty.

Summary:

The Supreme Court of India is a powerful institution that ensures the rule of law, protects fundamental rights, and interprets the Constitution. Its powers and functions are designed to maintain the balance of power in the federal structure and uphold the principles of justice and democracy.