

UPSC Syllabus Topic : GS Paper 2 Indian Polity – Structure, organization and functioning of the Judiciary.

Strengthening the Judiciary: Challenges and Solutions for the Supreme Court

Powers of the Supreme Court:

1. Original Jurisdiction:

- Decides disputes between different units of the Indian Federation, including disputes between the Centre and states or among states.

2. Appellate Jurisdiction:

- Highest court of appeal in the country, hearing appeals from lower courts and tribunals, ensuring uniformity in the interpretation and application of laws.

3. Advisory Jurisdiction:

- President of India can seek advice from the Court on questions of law or fact.

4. Additional Powers:

- Judicial review, power to punish for its own contempt, and the power to issue writs for the enforcement of fundamental rights.

Constitution Benches:

- Article 145(3) allows the setting up of a Constitution Bench with a minimum of 5 judges to decide cases involving substantial questions of law related to the interpretation of the Constitution.

Issues with the Working of the Court:

1. Backlog of Cases and Overburdening:

- Currently, 79,813 cases are pending, and only a small fraction are decided by Constitution Benches.

2. Lack of Access:

- Accessibility issues, both in terms of geographical distance and costs, lead to fewer appeals from courts far away from the apex court.

Suggestions to Address Structural Gaps:

1. Splitting the Supreme Court:

- The 10th Law Commission (1984) proposed dividing the Supreme Court into two divisions: Constitutional and Legal Division, with the former handling only constitutional law issues.

2. National Court of Appeal:

- Suggested in the Bihar Legal Support Society v. CJI Case (1986), this approach would allow the Supreme Court to focus on constitutional and public law-related questions,

with a separate body handling special leave petitions.

3. Regional Benches:

- The 229th Law Commission Report (2009) recommended establishing regional benches in Delhi, Chennai or Hyderabad, Kolkata, and Mumbai to handle appellate responsibilities, reducing the backlog and enhancing accessibility.

The Way Forward:

- Establishing regional benches and maintaining a separate Constitution Bench, as indicated by the Chief Justice's recent announcement, could be a promising way forward. This aligns with the need for structural changes to address accessibility, workload, and the importance of constitutional cases in the Supreme Court.