

# SUPREME COURT OF USA

Prepared by,  
Mr. Thomas G.M.,  
Associate Professor,  
Pompei college Aikala DK

# Introduction:

- ▶ “Laws are dead letter without courts to expound and define their true meaning & operation.” – Alexander Hamilton.
  - ▶ At. III of the constitution deals with the federal judiciary.
  - ▶ Judicial powers of the US is vested with the supreme court & such other inferior courts.
  - ▶ The supreme court of USA stands at the apex of the US federal judiciary.
  - ▶ It is the highest court of appeal in the country.
  - ▶ It was established in the year 1789.
  - ▶ The number of judges & organization of supreme court to be set up by the statutes of the Congress.
- 

# Composition:

- 1. Number of judges:** To start with it was constituted of 6 judges.
  - ▶ At present it has a Chief Justice and 8 other judges(1869).
- 2. Appointment of Judges:** Judges are appointed by the President with the approval of the Senate.
  - ▶ The constitution does not speak about any qualification of the judges.

# Composition .....

3. **Term & Salary:** Judges are appointed for a life-long service.
  - ▶ They can retire at the age of 70 to 75 provided they have completed 10 years of service as a judge with full retirement benefit.
  - ▶ Chief Justice gets \$2,23,500/year and other judges \$2,13,900/year.

# Method of Removal:

- ▶ They can be removed from office for corruption or misbehavior through an impeachment process.
  - ▶ The representatives frame the charges & Senate acts as a court of trial.
  - ▶ So far only one judge (Samuel Chase) removed from office through the impeachment process.
- 

# Procedure of work:

- ▶ All the nine judges will sit as a bench.
  - ▶ Its primary function is to hear cases & to pronounce judgments.
  - ▶ It will work from first Monday of October to June, at Washington.
  - ▶ Weekly work days are from Tuesday to Friday.
  - ▶ Saturday consultation takes place & Monday judgments will be pronounced (judgment will be based on simple majority votes).
  - ▶ A minimum of 6 judges is required to constitute the quorum.
- 

# Jurisdiction:

- ▶ The jurisdiction of the Supreme Court is mentioned in Art. 3 and Section II of the constitution.
  - ▶ It acts as a court of first instance as well as the court of final appeal.
  - ▶ Thus, it has both original & appellate jurisdiction but it has no advisory jurisdiction.
- 

# I. Original Jurisdiction:

- ▶ Its original jurisdiction extends to –
  1. All cases of law & equity arising under this Constitution, the Laws and Treaties.
  2. All cases affecting ambassadors, other public ministers & Counsels.
  3. All cases of Admiralty & Maritime jurisdiction.
  4. Controversies to which the US shall be a party.
  5. Controversies between two or more states.
  6. Controversies between State and citizens.
  7. Disputes between the state or the citizen thereof and foreign states.
- ▶ In actuality a very few cases come under this jurisdiction of the supreme court.
- ▶ Usually questions involving constitutionality or otherwise commanding a very high legal significance are brought before the it.

# II. Appellate Jurisdiction:

- ▶ Cases in the form of appeals against the decisions of the lower federal courts or highest state courts come to the supreme court.
- ▶ These powers are conferred to the supreme court not by the constitution but by the statutes of the Congress.
- ▶ Under two varieties of cases an appeal lies before the supreme court, they are –
  1. Where it is asserted that there is violation of the statutes, &
  2. Where a state law or a provision of the state constitution is alleged to be in conflict with the national constitution, treaties made there-under or laws passed in pursuance thereof.
- ▶ Thus, the appellate jurisdiction of the supreme court is based upon the subject-matter.

# Role of the Supreme Court:



# Features of Federal Judiciary in US:

1. Independent and impartial judiciary.
  2. Dual system of judiciary
  3. Guardian of the rights of the citizens.
  4. Guardian of the constitution.
  5. No advisory jurisdiction.
  6. Guardian of the Federation.
  7. Needed to ensure Separation of powers & Checks and Balances.
  8. Due process of law
  9. The most powerful judiciary in the world.
  10. No single & integrated system of judiciary.
- 