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Topic : Jurisdiction of the Supreme Court

Appeal by special leave (Article 136)- Article 136 of the Constitution, the Supreme Court is empowered to grant the special leave to an appeal from:

- (i) Any judgment, decree, determination, sentence or order.
- (ii) In any case or matter;
- (iii) Passed or made by any Court or tribunal in the territory of India.

But there is an exception to this power of Supreme Court with regard to any judgment, determination, sentence or decree passed or made by any Court or Tribunal constituted by or under any law relating to the Armed Forces.

The Supreme Court will grant special leave only if there has been gross miscarriage of justice or material evidence has been ignored or

promotion of cause of justice is required or for the advancement of public justice.

The Supreme Court has wide power to interfere and correct the judgment and order by any Court or Tribunal to promote the cause of justice.

Special leave petition would be rejected if it is found that the petitioner was guilty of suppression of material facts. The Court further said that the petitioner must come before the Court with clean hands. Material facts should not be suppressed at any cost because it would be gross negligence on the part of Petitioner.

Unless the exceptional reasons and special circumstances shown the Supreme Court will not grant special leave to appeal. Special and important reasons should be mentioned in this regard.

Power to grant special leave to an appeal is discretionary under Article 136 of the Constitution. It does not confer a right of appeal upon party.

Power to grant special leave to an appeal required to be exercised with great care; and caution so that the justice may be secured.

Article 136 of the Constitution of India confers wide discretion upon the Supreme Court in granting special leave to an appeal but it should be exercised reasonably.

The power of granting special leave is discretionary and wide enough but Supreme Court has itself imposed certain limitations in the exercise of its powers so that the power of granting of special leave would not be misused.

The Supreme Court should exercise its power in granting special leave to an appeal under Article 136 in the following circumstances:

- (i) Breach of principle of natural justice.
- (ii) Serious miscarriage of justice.

Jurisdiction and powers of the Federal Court under existing law to be exercisable by the Supreme Court (Article 135)- Until Parliament by law otherwise provides, the Supreme Court shall also have jurisdiction and powers with respect to any matter to which the provisions of Article 133 or Article 134 do not apply if jurisdiction and powers in relation to that matter were exercisable by the Federal Court immediately before the commencement of this Constitution under any existing law.