Human mind is admittedly fallible and the chances of error are always there, especially in legal profession. Since the main purpose and function of the judiciary is to render justice, an elaborate machinery is required for the correction of errors. The framers of the Indian Constitution, accordingly, vested the Supreme Court with appellate jurisdiction to criminal, civil, constitutional and all other matters which the Supreme Court may permit by its special leave. The Supreme Court is the highest appellate Court in the country.

Criminal Jurisdiction Of The Supreme Court

The appellate jurisdiction of the Supreme Court in criminal matters is embodied in Article 134 of the Constitution. The Draft Constitution, however, did not provide for the appellate jurisdiction to criminal cases, to avoid too much of burden on the Supreme Court. The necessity for conferring this jurisdiction on the Court was, nevertheless, voiced in the Constituent Assembly. "If we want to do justice to the people", observed Pandit Thakur Das Bhargava a member of the Constituent Assembly, "we must make it a rule that in all questions of death an appeal as of right should be given to persons sentenced to death."

1. Article 134 of the Constitution.
2. Article 133.
3. Article 132.
4. Article 136.
Dr. P.K. Sen, another supporter of the move, observed that "we ought to provide in a handsome manner in the Constitution itself, for a right of appeal in all death sentences." The move was, however, opposed by K.M. Munshi and Krishna Chandra Sharma, on the ground that there would be too much burden on the Supreme Court and then hundreds of more judges would be required to dispose of the appeals.

Bakshi Tek Chand another prominent member of the Constituent Assembly took a moderate stand. He advocated for a restricted right of appeal in criminal matters, as it was undesirable to convert the Supreme Court into a Court of Criminal Appeals for all types of cases. "Life and liberty", he observed "are certainly important than property but an unrestricted right of appeal will do incalculable harm to society."

Bakshi Tek Chand's view found favour with the Constituent Assembly and a restricted jurisdiction was conferred on the Supreme Court to hear appeals in criminal matters under Article 134 of the Constitution, which lays down that:

"(1) An appeal shall lie to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court."
Court in the territory of India if the High Court -

(a) has on appeal reversed an order of acquittal of an accused person and sentenced him to death; or

(b) has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death; or

(c) certifies that the case is a fit one for appeal to the Supreme Court:

Provided that an appeal under sub-clause(c) shall lie subject to such provisions as may be made in that behalf under clause(1) of Article 145\(^1\) and to such conditions as the High Court may establish or require.

(2) Parliament may by law confer on the Supreme Court any further powers to entertain and hear appeals from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India subject to such conditions and limitations as may be specified in such law."

Under Article 134(1) sub-clause (a) and (b), an appeal lies "as of right", if the requisites laid down therein are fulfilled. An observation to this effect was made by the Supreme Court in Tara Chand v State of Maharashtra\(^2\). The Court held that "if the High Court reverses an order of 'acquittal'\(^3\) of an accused person

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1. Article 145(1) lays down that subject to the provisions of any law made by Parliament, the Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court including.... (d) rules as to the entertainment of appeals under sub-clause(c) of clause(1) of Article 134.


3. The word 'acquittal' does not mean that the trial must have ended in complete acquittal, but would include the case where the accused has been acquitted of the charge of murder and has been convicted of lesser offence - Tara Chand v State of Maharashtra, A.I.R. 1962 S.C. 130(132).
and sentences him to death, an appeal shall lie as of right* to this Court under this Article (134(a))."

Besides the two cases enumerated in sub-clauses (a) and (b) of Article 134(1) there is no right of appeal to the Supreme Court in any other type of a case of criminal nature. In extraordinary cases, however, the appeal may lie to the Supreme Court if the High Court certifies under sub-clause (c) of the said Article, that a particular case is a fit one for appeal or when the Supreme Court itself permits the appeal by way of a special leave granted by it under Article 136.

The High Court enjoys a discretionary power of granting the certificate to appeal to the Supreme Court. Nevertheless, the Supreme Court reserves the right to interfere with the power of the High Court to grant certificate of fitness for appeal. In Mohinder Singh v The State¹, the Supreme Court held that certificate of fitness is to be granted only when special and exceptional circumstances are shown to exist. The Supreme Court, has often emphasised that the High Court must apply its mind judiciously to all questions and reasons for granting the certificate must be apparent on the face of the certificate granted for appeal.

Further the Supreme Court has held that it must be in a position to know from the certificate granted, what exactly the High Court's difficulty is and exactly what question of outstanding difficulty or importance the High Court feels the Supreme Court ought to settle². "Merely to say that the leave is given and no

*Emphasis is mine.
more," the Supreme Court observed in Baladin v State of U.P., "is tantamount to saying that the High Court will usurp the functions of the Constitution makers and allow the whole case to be opened despite the fact that the Constitution has specifically limited to normal right of appeal to sub-articles (a) and (b) and has left (c) to meet extraordinary cases...... discretion had to be judiciously and not mechanically exercised." ¹

The Supreme Court has also held that a certificate can not be granted under sub-clause (c) of Article 134(1) if the High Court is in doubt about the facts. If there is doubt in the minds of the judges about the facts, their duty is to acquit. They can not convict and then issue a certificate because they can not make up their minds about the facts².

Again the Supreme Court has held that a High Court is not justified in granting the certificate if substantial question of law is not involved³. The High Court exceeds its power of granting a certificate of fitness under Article 134(1)(c) if that certificate discloses that the main ground on which it is based, related to a question of fact⁴. The High Court should refuse certificate in such cases even though full and fair trial was not vouchsafed. Remedy in such cases is to apply for special leave to the Supreme Court⁵.

The Supreme Court has also objected to the grant of certificate by the High Courts on the ground that the appeal had been summarily

2. Ibid., p. 189.
dismissed by a Division Bench of the High Court. The High Court has also no jurisdiction under Article 134 to grant certificate of fitness for appeal against acquittal. In such cases the appeals are not maintained by the Supreme Court.

In all the above referred cases, where leave to appeal to the Supreme Court had been granted by the High Court, the Supreme Court held that the appeal did not lie under Article 134(1)(c); the Supreme Court has still a discretion to examine whether the case was a fit one for special leave to be granted to appeal.

Further it may be pointed out that ordinarily the Supreme Court does not interfere with 'finding of fact' does not substitute its own appreciation of evidence except in exceptional circumstances. The Supreme Court also does not permit a new point of fact or new plea to be raised for the first time in appeal before it.

The Court is thus very much restrictive in case of certificate under Article 134 and many a time at the cost of fair trial to the individual. The Court is also chary of granting special leave to appeal under Article 136. Unless exceptional circumstances exist. Consequently it has been felt that so far as the criminal appeals are concerned, these Articles "have proved absolutely things of straw and have not been able to protect his (aggrieved person) rights at all." The attitude of the Supreme Court that it is not

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a Court of criminal appeals, that it is not a Court of justice but is merely a Court of law and is only concerned with the application of law, has been the subject of criticism.

Recently, it was mooted in the juristic circles that the criminal jurisdiction of the Supreme Court should be enlarged. So as to safeguard the person and liberty of the individual and to give him a chance of fair trial. A bill to that effect was introduced in the Lok Sabha by A.N. Mulla in 1969. The main object of the bill was to give to grant the right to the accused to appeal to the Supreme Court if he has been sentenced to life imprisonment or imprisonment of 10 years or more. A.N. Mulla speaking in the Lok Sabha, observed "It is extraordinary that if there is a dispute of only about Rs.20,000 an ipso facto right is given to a citizen to agitate the matter in the Supreme Court but if he is given a 10 year or a 20 year sentence, it is not such an infringement of his right that he should be given a right to go to the Supreme Court. I think ......... we have proceeded on some very wrong values when we framed our Constitutional rights. In the interests of the justice and in the interest of safeguarding these rights it is necessary that we should be safeguarding the interest of an accused person so far as an appeal is concerned."\(^2\)

Randhir Singh supporting the Bill observed that "This Bill has come to remove or efface discrimination which exists between the individual and in state.......If an accused is acquitted by a Court of Sessions, the State has a right to go in revision to the

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High Court that individual has no right to go in revision to the Supreme Court. This is clear discrimination which goes against the very provisions of the Constitution itself. This discrimination between State and the individual is something fundamentally objectionable and this should go because this is against the very Preamble of the Constitution.¹

Many other members spoke in favour of the Bill² and the Bill was unanimously approved by the Lok Sabha³. It has also been approved by the Rajya Sabha⁴ with the passage of this Bill, now an accused can go to the Supreme Court in appeal as a matter of right. This long due lacuna has been removed by this Bill.

Civil Jurisdiction of the Supreme Court:

In civil matters again the Supreme Court is the highest appellate Court. Article 133 of the Constitution lays down that:

"(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court in the territory of India if the High Court certifies:

(a) that the amount or value of the subject-matter of the dispute in the court of first instance and still in dispute on appeal was and is not less than twenty thousand rupees or such other sum as may be specified in that behalf by Parliament by law; or

(b) that the judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value; or

2. Among those who spoke in favour of the Bill were:
(c) that the case is a fit one for appeal to the Supreme Court; and, where the judgment, decree or final order appealed from affirms the decision of the Court immediately below in any case other than a case referred to in sub-clause (c), if the High Court further certifies that the appeal involves some substantial questions of law.

(2) Notwithstanding anything in Article 132, any party appealing to the Supreme Court under clause(1) may urge as one of the grounds in such appeal that a substantial question of law as to the interpretation of this Constitution has been wrongly decided.

(3) Notwithstanding anything in this Article, no appeal shall, unless Parliament by law otherwise provides, lie to the Supreme Court from the judgment, decree or final order of one Judge of a High Court."

The Supreme Court is vested with restricted jurisdiction as certain conditions laid down in Article 133 should be fulfilled before an appeal can lie to the Court. For instance the decision appealed against must be judgment, decree or final order of a High Court in the territory of India. Again the certificate of the High Court to the effect that the requirements of valuation as specified in sub-clauses (a) and (b) of Article 133(1) are satisfied or that the case is a fit one for appeal to the Supreme Court, or that the appeal involves a substantial question of law, is an essential requisite for an appeal to the Supreme Court.

There has been however, a controversy over the point, if a certificate of a High Court is also required to the effect that the decision appealed against is a judgment, decree or final order. The Allahabad High Court by a majority opinion, in Shatrunji v Azmat Azim Khan1, held that in view of the opening portion of Article 133

which stands in a governing position, the High Court has got first to determine whether the matter sought to be appealed is a judgment, decree or final orders and such a determination is a condition precedent to the grant of a certificate under Article 133(1) of the Constitution. It is so, notwithstanding the fact that the said opening words appear to be addressed to the Supreme Court and further that the Supreme Court is not bound by the expression of the opinion of the High Court on this aspect of the matter. The words "judgment, decree or final order" are implicit in the grant of certificate under all clauses. But Chief Justice Desai refuted this interpretation of Article 133(1) in the present case. According to him the words "an appeal shall lie to the Supreme Court from any judgment etc." are addressed to the Supreme Court and not to the High Court. Words, "Judgment, decree or final order" can not be divorced from the "preceding" word "from" and does not govern the word "certifies" so that, what the High Court certifies is the existence of certain facts and the existence of a certificate is nothing more than a condition precedent to the maintainability of an appeal in the Supreme Court. The Supreme Court derives its jurisdiction under Article 133. and not from the certificate granted by the High Court. The point still remains to be decided by the Supreme Court. It is however, beyond doubt that the Supreme Court has the power and does exercise that power of scrutinising the certificate issued by the High Court.

It may further be pointed out that an appeal under Article 133(1) (a) and (b), to the Supreme Court lies as a matter of right,

1. A.I.R. 1967 All. 51 (55).
2. Ibid p. 52.
if the conditions required therein are fulfilled. But the discretion is exercised by the High Court under sub-clause(c) of the said Article¹, when it is to certify that a case is a fit one for appeal or where a "judgment decree or final order" appealed from affirms the decision of the court immediately below² involves a substantial question of law³.

The Supreme Court does not permit the appellant to raise any new point or plea before it as a matter of convenience and policy⁴. Also where there is a concurrent finding of fact by the High Court and the subordinate court, the Supreme Court does not interfere with the finding specially where the finding is based on the appreciation of evidence, unless it is shown that the findings are vitiated for an error of law or procedure or unless it is shown that important and relevant evidence has been overlooked or

1. If the High Court refuses to grant the certificate, the alternative with the appellant is to apply to the Supreme Court for the grant of special leave to appeal under Article 136 of the Constitution.

2. The words 'Court immediately below' in Article 133(1) of the Constitution of India can not be equated with the words 'Court Subordinate' found in Section 115 of the Civil Procedure Code. A court subordinate to the High Court is a Court subject to the superintendence of the High Court, whereas a Court immediately below is the Court from whose decision the appeal has been filed. Ladli Prasad v Kamal Distillery, A.I.R. 1963 S.C. 79.

3. The proper test for determining whether a question of law raised in a case is substantial would be whether it is of general public importance or whether it directly or substantially affects the rights of the parties and if so whether it is either an open question in the sense that it is not finally settled by this Court or by the Privy Council or by the Federal Court or is not free from difficulty or calls for discussion of all views. If the question is settled by the highest Court or the general principles to be applied in determining the question are well settled and there is a mere question of applying those principles or that the plea raised is palpably absurd, the question would not be substantial question of law. Chuni Lal v Mehta v C.S. and M. & Co. Ltd. A.I.R.1962 S.C. 1314. Also refer to Sennammal v Natrajam, A.I.R.1967 Mad. 67.


Further, it may be pointed out that no appeal can lie to the Supreme Court against the judgment of a single judge of a High Court. Parliament may however, by law make such provision for an appeal to the Supreme Court from the judgment of a single judge of a High Court1 2.

Appeals In Constitutional Questions:

The Supreme Court is the ultimate interpreter of the Constitution of India. Accordingly, special provision has been made in the Constitution under which a right to appeal of the widest amplitude is allowed in constitutional matters. Article 132 of the Constitution lays down:

"(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order of a High Court in the territory of India, whether in a civil, criminal or other proceeding, if the High Court certifies that the case involves a substantial question of law as to the interpretation of this Constitution.

(2) Where the High Court has refused to give such a certificate, the Supreme Court may, if it is satisfied that the case involves a substantial question of law as to the interpretation of this Constitution, grant special leave to appeal from such judgment, decree or final order.

(3) Where such a certificate is given, or such leave is granted, any party in the case may appeal to the Supreme Court on the ground that any such question as aforesaid has been wrongly decided and, with the leave of the Supreme Court on any other ground.

Explanation - For the purposes of this article, the expression "final order" includes an order deciding an issue which, if decided


2. Section 4 of Act 15 of 1950 provides that an appeal shall lie to the Supreme Court under the provisions of Article 133 from any "judgment, decree or final orders" of a Judicial Commissioner's Court not withstanding that such "judgment, decree or final order" is that of a single judge.
in favour of the appellant, would be sufficient for the final disposal of the case."

From the provisions of Article 132, it is clear that the framers of the Constitution attempted to provide a speedy determination of constitutional questions. Unlike the provisions of Articles 133 and 134, no restrictions or limitations are imposed on the jurisdiction of the Supreme Court to hear appeals in constitutional matters. In Election Commission v Venkata Rao¹, the Court observed that the whole scheme of appellate jurisdiction of the Supreme Court clearly indicates that questions relating to the interpretation of the Constitution are placed in special category irrespective of the nature of proceedings in which they may arise².

Under Article 132(1) an appeal would lie to the Supreme Court from any "judgment, decree or final order", if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution. If a point is well settled by the decisions of the Supreme Court, it shall not be a substantial question. If the High Court refuses to certify, the Supreme Court may permit the appeal by way of special leave provided it is satisfied that a question of law involves interpretation of the Constitution and the said question should be a substantial question of law. In State of J. & K. v Ganga Singh³, the Court observed that where the parties agree on the true interpretation of a provision or do not raise any question in respect thereof, it

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3. Ibid.
is not possible to hold that the case involves any question of law as to the interpretation of the Constitution.

In the above case the interpretation of Article 14 of the Constitution was the only point involved but at no stage of the proceedings, either the correctness of the interpretation of Article 14 or the principles governing the doctrine of classification were questioned by either of the parties. The Court consequently, observed that the interpretation of Article 14 in the context of classification has been finally settled by the highest Court of this land and under Article 141 of the Constitution that interpretation is binding on all the Courts within the territory of India. What remained to be done by the High Court was only to apply that interpretation to the facts before it. A substantial question of law, therefore, can not arise where that law has been finally and authoritatively settled by the Supreme Court.

It may further be pointed out that where an appeal comes up before the Supreme Court on the strength of a certificate granted under Article 132(1), the appellants are not entitled to challenge the propriety of the decision appealed against on the ground other than on which the certificate was given except with the leave of this Court as provided for by clause (3) of Article 132 of the Constitution. In State of Mysore v H.L. Chablanı, Justice Das who delivered the judgment observed that where a High Court in granting a certificate under Article 132(1) holds rightly or wrongly, that

the case involves a substantial question of law as to the interpretation of Article 226 and not Article 311, the effect of the certificate is to enable the appellant to appeal to the Supreme Court on the ground that the question of interpretation of Article 226 has been wrongly decided by the High Court and if the appellant wishes to appeal on any other ground, he can move the Supreme Court for necessary leave as required by Article 132(3).

As to the question whether an appeal can lie to the Supreme Court from the judgment, decree or orders of a single judge of High Court or not, the Supreme Court answered in the affirmative. In Election Commission v Venkata Rao¹ it was contended that clause(3) of Article 133, bars appeal under Article 132(1) from the judgment of a single judge of a High Court in civil proceedings. The Supreme Court rejected this contention and held that had it been intended to exclude the right of appeal in the case of a judgment etc. by one judge, it would have been easy to include a reference to Article 132 in the opening words of Article 133(3), otherwise not only would Article 132 become redundant so far as it relates to civil proceedings, but the object of the explanation to the Article to secure a speedy determination of constitutional issues going to the root of a case, would be defeated.

Again as a matter of policy the Supreme Court does not permit a question to be raised which was never mooted before the High Court². The Supreme Court also does not interfere with the finding

of fact, specially with the concurrent finding of fact unless there exist good grounds to disturb that finding of fact. For example the question as to whether an employee is a workman within the meaning of Section 2 of the Industrial Disputes Act is a question of fact and the finding recorded by the Tribunal can not be challenged in the Supreme Court in an appeal by special leave.

Appeals From The Tribunals: Industrial Tribunal; Election Tribunal; Income Tax and Sales Tax Tribunals.

The appellate jurisdiction of the Supreme Court extends over tribunals under Article 136 of the Constitution. The Supreme Court is empowered under this Article to grant special leave to appeal against any judgment determination or order in any cause or matter made by a tribunal in the territory of India. However, only such tribunals would be subject to the appellate control of the Supreme Court, which have been invested with certain functions of a court of justice or have some of its trappings. An appeal would not lie to the Supreme Court against the judgment or determinations of a tribunal which discharges purely administrative or executive duties. Again tribunals which do not derive their authority from sovereign power can not fall within the ambit of Article 136. By sovereign power it is meant that the tribunal is constituted by the State.

It may further be pointed out that the jurisdiction of the

4. Ibid.
Supreme Court can not be affected by any legislative enactment. The Supreme Court asserted its power under Article 136 in Raj Krishna v Vinod\(^1\), where the Court held that the power conferred on the Supreme Court under this Article "can not be taken away" or "whittled down" by the legislature. The discretion of the Court under the said Article is "unfettered."\(^2\)

The Government of India has created a number of tribunals under various enactments. The more important of these are: Industrial Tribunal, Election Tribunal, Sales Tax and Income Tax Tribunals.

The Industrial Tribunal was established under the Industrial Disputes Act, 1947. The functions and duties of the Industrial Tribunal, observed Chief Justice Kania, are very much like those of a body discharging judicial functions, although it is not a Court in the technical sense of the word. It has all the necessary attributes of a Court of justice\(^3\).

In Muir Mills Co. v Suti Mills Mazdoor Union\(^4\), the Supreme Court held that though it will be reluctant to entertain an application for leave to appeal, it has exceptional and overriding power to interfere where it reached the conclusion that a person has been dealt with arbitrarily and that the tribunal has not given a fair deal to the litigant.

The Supreme Court however, does not sit as a regular Court of

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2. Ibid p. 204.
appeal over Industrial Tribunals and does not ordinarily subject the evidence given on behalf of the parties to a fresh review and scrutiny unless it is shown that exceptional and special circumstances exist, or that substantial and grave injustice has been done. The Court also does not interfere with finding of fact.

The Election Tribunal has also been declared as a tribunal which is judicial in nature and consequently the power of the Supreme Court to grant special leave to appeal is attracted against the decision of this tribunal.

The 'non-obstante' clause (b) of Article 329 of the Constitution debars every court including the Supreme Court, to entertain any suit or a proceeding calling in question any election to the Parliament or State Legislature. It is the Election Tribunal alone that can decide such disputes and the proceedings have to be initiated by an election petition. But once the tribunal has made any determination or adjudication on the matter, the interference of the Supreme Court can also be sought by way of special leave to appeal.

The Supreme Court has likewise granted special leave to appeal against the decisions of Sales Tax and Income Tax Tribunals, holding that the two tribunals are within the meaning of Article 136. The Court has however, held that where other remedies are available to the respondent, he should exhaust them first before invoking the jurisdiction of this Court. For example Sections 30(1) and 34(1)

of the Bombay Sales Tax Act, provide for a reference to the High Court against the determination of Sales Tax Tribunal. In State of Bombay v Ratilal\(^1\), the respondents did not refer the decision of the Sales Tax Tribunal to the High Court, but directly sought leave to appeal before the Supreme Court. The Court granted the leave but observed that ordinarily this Court will not allow the High Court to be by passed in this manner and the proper course for the appellant is to exhaust all his remedies before invoking the jurisdiction of the Court under Article 136.

The Supreme Court has affirmed this principle in many cases but it remains a discretion with the Court to grant leave in cases where the High Court is by passed or the other remedies available are not exhausted by the appellant\(^2\). Thus in Baldeo Singh v Income Tax Commissioner\(^3\), the Court held, that leave to appeal could not be refused to the appellant on the ground that the appellant could have availed himself of the remedy provided by the Act (Income Tax Act) and was by his own conduct unable to do so. Under the Income Tax Act an assessee can apply to the Tribunal to refer to a High Court question of law arising out of the Tribunal's decision. In the present case, an application was submitted by the assessee to the Tribunal for reference but it was dismissed by the Tribunal because it was late by a day. Appeal to the High Court against dismissal was also dismissed. The appellant then moved the Supreme Court.

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Court for special leave to appeal. The Court granted him leave holding that the assessee could not be refused leave on the ground that he had been unsuccessful in availing himself of the other remedy provided in the Income Tax Act.

The Supreme Court has on the whole exercised this power very cautiously. The Constitution does not impose any limitation whatsoever, on the jurisdiction of the Court under this Article but of its own it has emphasised on every occasion, whenever its jurisdiction has been invoked that this is an overriding and exceptional power and should be exercised sparingly and with caution and only in special and extraordinary situation. Beyond this, the Court has held, not set formula or rule can stand in the way of or fetter the exercise of the power conferred on the Supreme Court under Article 136 of the Constitution. The Court has been vested with such wide power against arbitrary adjudication so that injustice may not be perpetrated or perpetuated. The safeguard and guarantee for the exercise of this power lie in the trust reposed by the Constitution in the wisdom and good sense of judges of the Supreme Court.


Conclusions

It is obvious, as already observed, that an elaborate machinery is necessary to do justice, to minimise the chances of errors. It provides a sort of psychological satisfaction also to a person seeking justice from the court of law if he can go in appeal to the highest court. It is true so not only in criminal matters but in civil as well as constitutional. Accordingly, the Supreme Court of India is made the highest appellate Court in all matters.

Till recently the criminal appeals could lie to the Supreme Court as a matter of right only if the High Court reversed an order of acquittal or if the High Court withdrew a case before itself for trial from any lower court which had convicted the accused person or sentenced him to death. Otherwise an appeal could lie to the Supreme Court if the High Court is sued a certificate of fitness, a discretion which the High Court is expected to exercise in exceptional circumstances and a discretion which the Supreme Court has interfered with frequently, that it should be exercised not mechanically but judiciously. Lately, however, the jurisdiction of the Court has been enlarged by the Parliament and an appeal can lie as of right where a person has been sentenced to life imprisonment or imprisonment for ten years or more.

In civil matters also an appeal lies as a matter of right in cases where the amount of the subject matter in dispute is not less than twenty thousands rupees. But a certificate to this effect has to obtained from the High Court concerned before an appeal can be made. In exceptional cases an appeal can be made to the Supreme Court, irrespective of the amount involved, provided the High Court issues a certificate that the case is a fit one for
appeal or that the appeal involves a substantial question of law.

In constitutional matters, that is cases which involve
substantial question of law as to the interpretation of the provi-
sions of the Constitution, the Court has appellate jurisdiction of
the widest amplitude since no limitations are imposed upon it. An
appeal however, can not lie in point of law which is already finally
settled by the Supreme Court. A law which has been determined by
the Court is binding upon all the Courts within the territory of
India.

In all other matters where the Supreme Court feels that
extraordinary circumstances exist, it can hear appeals by granting
special leave to appeal. Through this jurisdiction the Court also
hears appeals against the judgments of tribunals set up by the
administration but which are in the nature of judicial bodies. It
is to avoid arbitrary adjudication by these tribunals. Appellate
jurisdiction of the Court by way of special leave is purely dis-
cretionary, unfettered and can not be whittled down by legislation.

The Supreme Court thus enjoys extensive appellate jurisdiction
so that injustice may neither be perpetrated nor perpetuated.