

## Examrace

### Distinction between SC and HC, Posts, Taxes, Grants in Aid, Charged Expenditure

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#### Distinction between SC and HC

	SC	HC
Appointment of Judges	A distinguished jurist can be appointed a judge	Constitution does not make provision for appointment of a distinguished jurist
Tenure of judges	Till 65	Till 62
Jurisdiction	Jurisdiction cannot be curtailed as mentioned in the constitution. Other jurisdiction and powers can be changed by the Parliament.	Ditto. Other jurisdiction and powers can be changed by both the Parliament and the State legislature.
Original jurisdiction	In matters relating disputes between centre and states or between states	Some imp: Disputes relating to the election of members of Parliament and state legislatures
Writ Jurisdiction	Can issue only for enforcement of fundamental rights	Can issue for fundamental rights and for any other purpose
<i>Table of Distinction between SC and HC</i>		

#### Posts

Post	Appointment	Removal
State Public Service Commission	Governor	President
HC Judge	President in consultation with the CJI and the governor of the state	Same as SC judges

*Image of Posts***Taxes**

	Levied	Collected	Appropriated	Example
1.	Centre	State	State	Stamp duty on some bills of exchange, Excise duty on some medicinal prep containing alcohol
2.	Centre	Centre/State	Centre/State	Service Tax (88 <sup>th</sup> amendment. Rule of appropriation decided by the Parliament)
3.	Centre	Centre	State	Some taxes on inter-state trade
4.	Centre	Centre	Centre + State	All other taxes except those mentioned above and below (division decided by the FC)
5.	State	State	State	Wealth, Sales, some excise etc
6.	Centre	Centre	Centre	Surcharges on taxes referred to 3 and 4
<i>Table of Taxes</i>				

**Grants in Aid**

- Statutory grants on the recommendation of the FC. There are charged on the Consolidated Fund of India every year
- Discretionary grants on the recommendation of the Planning Commission
- These days discretionary grants statutory grants



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### **Charged Expenditure**

- CAG
- UPSC

CG, Jharkhand, MP and Orissa have to have a minister for tribal affairs.

### **How is original jurisdiction of SC different writ disputes of federal nature and those relating to fundamental rights?**

Ans: In federal cases SC has exclusive original jurisdiction whereas in writ cases SC has original jurisdiction which is not exclusive. It shares it with the high courts. Secondly, the parties involved in the first case are units of the federation while in the second case it is between a citizen and the government