



SNS COLLEGE OF TECHNOLOGY

Coimbatore-35
An Autonomous Institution

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DEPARTMENT OF INFORMATION TECHNOLOGY

23HST103- INDIAN CONSTITUTION **I B.TECH – AIML”B” / I SEMESTER**

UNIT 3 – STRUCTURE AND FUNCTION OF STATE GOVERNMENT

TOPIC 3 – State Legislature & Judicial System



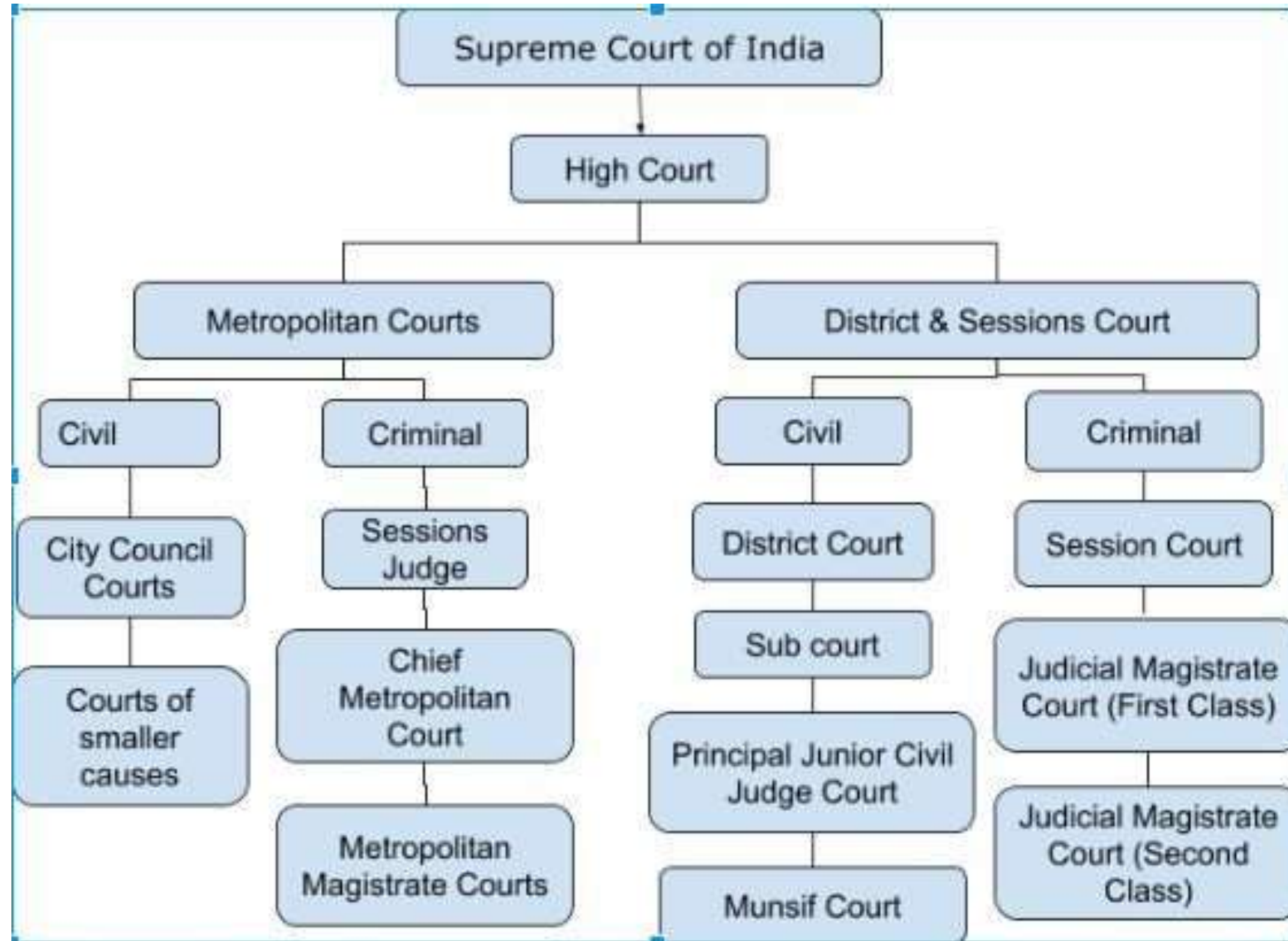
JUDICIARY OF INDIA



- The Indian Judiciary is partly a continuation of the British legal system established by the English in the mid-19th century based on a typical hybrid legal system known as the Common Law System, in which customs, precedents and legislative are all components of the law.
- The Constitution of India is the supreme legal document of the country.
- There are various levels of judiciary in India – different types of courts, each with varying powers depending on the tier and jurisdiction bestowed upon them.
- They form a strict hierarchy of importance, in line with the order of the courts in which they sit, with the Supreme Court of India at the top, followed by High Courts of respective states with district judges sitting in District Courts and Magistrates of Second Class and Civil Judge (Junior Division) at the bottom.
- Courts hear criminal and civil cases, including disputes between individuals and the government.
- The Indian judiciary is independent of the executive and legislative branches of government according to the Constitution.



COURTS OF INDIA





HIGH COURTS OF INDIA



- There are 24 High Courts at the State level.
- Article 141 of the Constitution of India mandates that they are bound by the judgments and orders of the Supreme Court of India by precedence.
- These courts have jurisdiction over a state, a union territory or a group of states and union territories.
- Below the High Courts are a hierarchy of subordinate courts such as the civil courts, family courts, criminal courts and various other district courts.
- High courts are instituted as constitutional courts under Part VI, Chapter V, Article 214 of the Indian Constitution.
- The High Courts are the principal civil courts of original jurisdiction in the state along with District Courts which are subordinate to the High courts.
- However, High courts exercise their original civil and criminal jurisdiction only if the courts subordinate to the high court in the state are not competent (not authorised by law) to try such matters for lack of pecuniary, territorial jurisdiction.
- High courts may also enjoy original jurisdiction in certain matters if so designated specifically in a state or Federal law. e.g.: Company law cases are instituted only in a high court.



HIGH COURTS OF INDIA



- However, primarily the work of most High Courts consists of Appeals from lower courts and writ petitions in terms of Article 226 of the Constitution of India.
- Writ Jurisdiction is also original jurisdiction of High Court.
- The precise territorial jurisdiction of each High Court varies.
- Judges in a high court are appointed by the President after consultation with the Chief Justice of India, Chief Justice of High Court and the governor of the state.
- The number of judges in a court is decided by dividing the average institution of main cases during the last five years by the national average, or the average rate of disposal of main cases per judge per year in that High Court, whichever is higher.
- The Calcutta High Court is the oldest High Court in the country, established on 2 July 1862.
- High courts which handle a large number of cases of a particular region, have permanent benches (or a branch of the court) established there.



DISTRICT COURTS OF INDIA



- The District Courts of India are established by the State governments in India for every district or for one or more districts together taking into account the number of cases, population distribution in the district.
- They administer justice in India at a district level.
- These courts are under administrative control of the High Court of the State to which the district concerned belongs.
- The decisions of District court are subject to the appellate jurisdiction of the concerned High court.
- The district court is presided over by one District Judge appointed by the state Government.
- In addition to the district judge there may be number of Additional District Judges and Assistant District Judges depending on the workload.
- The Additional District Judge and the court presided have equivalent jurisdiction as the District Judge and his district court.
- The district judge is also called "Metropolitan session judge" when he is presiding over a district court in a city which is designated "Metropolitan area" by the state Government.



DISTRICT COURTS OF INDIA



- The district court has appellate jurisdiction over all subordinate courts situated in the district on both civil and criminal matters.
- Subordinate courts, on the civil side (in ascending order) are, Junior Civil Judge Court, Principal Junior Civil Judge Court, Senior Civil Judge Court (also called sub-court). Subordinate courts, on the criminal side (in ascending order) are, Second Class Judicial Magistrate Court, First Class Judicial Magistrate Court, Chief Judicial Magistrate Court.
- Gram Nyayalayas having power of Judicial Magistrate of the first class are being established in Panchayat levels under the Gram Nyayalayas Act, 2008.



DISTRICT COURTS OF INDIA



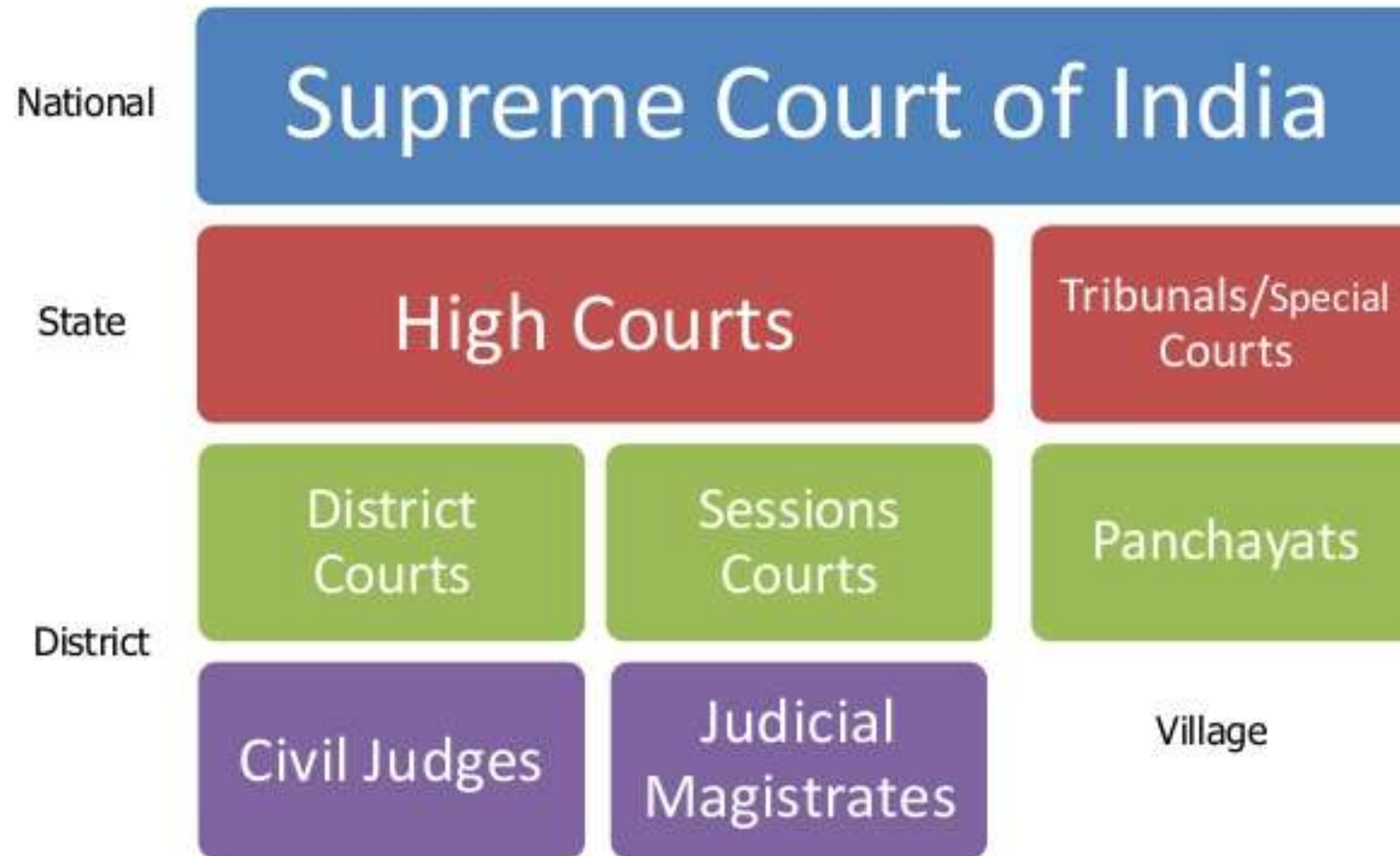
- According to the World Bank, "although India's courts are notoriously inefficient, they at least comprise a functioning independent judiciary“
- A functioning judiciary is the guarantor of fairness and a powerful weapon against corruption.
- But people's experiences in fall far short of this ideal.
- Corruption in the judiciary goes beyond the bribing of judges.
- Court personnel are paid off to slow down or speed up a trial, or to make a complaint go away.
- Judges are also subject to pressure from above, with legislators or the executive using their power to influence the judiciary, starting with skewed appointment processes.
- Citizens are often unaware of their rights, or resigned, after so many negative experiences, to their fate before a corrupt court.
- Court efficiency is also crucial, as a serious backlog of cases creates opportunities for demanding unscheduled payments to fast-track a case.



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Hierarchy of Courts...





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Difference of Indian Judiciary pre and post-Independence



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