

Judicial System in States

Introduction to State Judiciary

The Indian Judicial system works with harmony of subordinate court, high court and supreme court. High Courts are quite important for the feasibility and efficacy of this system.

Peace and tranquility can be maintained in a country or state with an efficient judicial system. In introduction to state judiciary, we can say that it is the bedrock of stability in a state. Judiciary in a state is the principal structure forged to give assurance to people that they are safe and sound within that state. State judiciary and functions associated with it need to be followed by everyone. State judiciary makes sure that everyone in the state gets justice as per the law. The role of the state judiciary is to give a sense of equality and accountability to everyone.

The introduction to state judiciary starts coming into picture in Article 214 and stays till Article 231. These articles have been put in Part 6 in the Constitution. These articles elaborate everything related to judiciary including organization, structure, prerogative of judges, powers, state judiciary and functions associated with them. The much similar structure of the judiciary system is found at Centre level also. India has an integral judicial system in which the supreme court has been put at the top.

Introduction to State Judiciary- Subordinate Courts are the primary courts of India that work at the ground level. Subordinate Courts have been established in each district of every state in India. Civil courts, Criminal Courts and Revenue courts are some examples of the subordinate courts. High courts are higher than subordinate courts and lower than supreme courts in the hierarchy of the judicial system in India.

The judge of a high court can be a person who has the citizenship of India and has experience of working in a judicial office in any part of India for 10 years at least or the person has been part of a high court as an advocate for a decade, i.e., 10 years. So, there is no minimum age requirement to become the judge of the high court but a judge can hold office up to a maximum of 62 years of age. The Judges of high court can resign to the president if they want and they can also be removed by the president if the parliament recommends to do so. The state judiciary in the Indian system has been used to handle jurisdiction over revenue matters also which had not been given to high courts in the colonial era.

State Judiciary and Functions-

The highest state judicial body of the state in India is called the High Court. 25 high courts have been established in India. In these 25, 3 high courts have jurisdiction in more than one state. Bombay High Court also deals with cases of Daman and Diu, Goa, Maharashtra and Dadra and Nagar Haveli. The high court of Guwahati gives justice to people of Nagaland, Arunachal

Pradesh, Assam and Mizoram. Punjab and Haryana High Court which has territorial jurisdiction over Punjab, Haryana and Chhattisgarh. Similarly, the judicial system of Union Territories of India is also linked with some state high courts, for example- Calcutta high court has judicial reach in Andaman and Nicobar Islands. Madras high court also has jurisdiction over Puducherry.

Role of State Judiciary-

In India, one Chief Justice who is called the Chief Justice of India (CJI) and some other judges are appointed in the Supreme Court. In the same manner, if we talk about state judiciary and functions assigned to it, every high court has a chief justice and some other judges. In our constitution, the number of judges in a high court is not decided, it is left to the discretion of the president. The president of India designates High Courts' judges. Firstly, the chief justice is designated to his post, then after consulting with the governor of the respective state and chief justice of India, the president of India appoints other judges too. After the third judges' case (1998), the Supreme Court gave a verdict that the chief justice of India should consult with collegium of two senior most judges of the Supreme Court for a fair 'consultation' process. Role of state judiciary also extends to 7 types of jurisdictions- Original Jurisdiction, Appellate Jurisdiction, Writ Jurisdiction, Control over subordinate courts, Supervisory jurisdiction, also it is 'A court of record', it has been given power of judicial review. Introduction to state judiciary has been incorporated with more writ jurisdiction to high courts than supreme court in India. The supreme court can issue writs only to enforce fundamental rights whereas high courts can issue writ over any or all kinds of legal rights.

Conclusion-

From the introduction of state judiciary in our system, we can see the balanced vision of constitutional fathers. The role of state judiciary is to manage the cases arising in the state over different matters whereas the supreme court is the custodian of the constitution which primarily deals with constitutional matters. The state judiciary and functions performed by it are largely to help subordinate courts. Cases which cannot be solved at the level of subordinate courts are often transferred to the high courts to make sure that justice reaches to each and every citizen of India.