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COURTS

Page No.1

SUPREME COURT	HIGH COURT	SUBORDINATE COURTS
<p>Definitions: The judiciary is a single integrated system with the Supreme Court at the apex.</p> <ol style="list-style-type: none"> The Supreme Court is the apex court and supervises and exercises control over the functioning of all lower courts. There is a single, civil and criminal justice system. Cases from the lower court can be appealed at the Higher Courts. <p>Composition: Supreme Court of India consists of the Chief Justice and thirty other judges.</p> <p>Qualifications of Judges</p> <ol style="list-style-type: none"> He should be a citizen of India. Judge of the High Court for at least five years Has been an advocate of the High Court for at least 10 years In the opinion of the President a distinguished jurist. <p>Extra Points</p> <ol style="list-style-type: none"> Every Judge of the Supreme Court is appointed by the President of India in consultation with the Chief Justice and Judges of the Supreme Court and High Courts. Ad hoc judges may be appointed for a period as may be necessary with consent of the President after consultation with the Chief Justice. <p>Term of office:</p> <ol style="list-style-type: none"> A judge of Supreme Court shall hold office until he attains the age of 65 years. A judge may resign by submitting his letter of resignation to the President. A judge of the Supreme Court cannot be removed from office except by order of 	<p>Definitions: It is the Apex Court at the State level</p> <p>Composition: Each High Court consists of the Chief Justice and other judges appointed by the President.</p> <ol style="list-style-type: none"> Additional judges can be appointed by the President for a temporary period not exceeding two years. An acting judge holds office temporarily until the permanent judge resumes his office. <p>Qualifications:</p> <ol style="list-style-type: none"> He should be a citizen of India. He should have held judicial office in India for at least 10 years. He should have been an advocate of the High Court for at least 10 years. <p>Appointment of Judges & Conditions of service.</p> <ol style="list-style-type: none"> A judge of the High Court enjoys security of tenure and can remain in office till has attained the age of 62 years. A judge of the High Court can be removed on the ground of proven misbehavior or incapacity by each house of Parliament. The impeachment must be supported by a majority of the total membership of the house and two-thirds of the members present and voting. The President can transfer any judge from one High Court to another after consulting the Chief Justice of India and the four 	<p>Definitions: These are courts which function at the District level and below. Therefore all courts in India except the Supreme Court and the High Courts are subordinate Courts.</p> <p>Civil Courts</p> <ol style="list-style-type: none"> Civil Courts exercise jurisdiction in cases related to land, property and money transactions, guardian ship, marriages, divorce and cases involving will and arbitration. The Court of a District Judge is the principle or highest court in the district which decides both Civil and Criminal cases. When a judge decides Civil cases he

<p>the President on proven ground of misbehaviour or in capacity. The order must be passed by each house of Parliament supported by a two-thirds majority of the members present for voting, and a majority of the total membership of the house.</p> <p>Powers and Functions of the Supreme Court</p> <p>A. Original Jurisdiction means</p> <ol style="list-style-type: none"> Power to hear and determine a dispute in the first instance These cases cannot be heard or moved in any other court other than the Supreme Court. <p>1. The Supreme Court has exclusive original jurisdiction over</p> <ol style="list-style-type: none"> A dispute between the Government of India and one or more state Dispute between two states <p>This does not include</p> <ol style="list-style-type: none"> Interstate water disputes, matters referred to the finance commission a dispute arising out of a treaty, agreement, etc. which is in operation. <p>iii. Protection of fundamental rights – A citizen whose rights are violated may move the Supreme Court for enforcement of their rights. The Supreme Court has the right to issue writs for the enforcement of any of the fundamental rights.</p> <ol style="list-style-type: none"> Habeas Corpus – This writ is to safeguard the personal freedom of a citizen who is unlawfully detained by a group of persons or by the state. Mandamus – It is a command from the Superior Court to lower court or administrative authority to perform a certain duty. Writ of prohibition – is an order from the Superior Court to the lower court to stop proceedings in a case where the lower court has exceeded its jurisdiction. Writ of prohibition is issued when the proceedings are going on. 	<p>senior most judges of the Supreme Court.</p> <ol style="list-style-type: none"> The view of the Chief Justices of both courts (transfer from and transferred to) must also be obtained. When a judge is transferred he is entitled to compensatory allowance. The salary of judges cannot be changed to their disadvantage during the course of their service except during a period of financial emergency. The Salaries of judges are from the consolidated fund of the state and so they cannot be voted upon by the state legislature. A judge may resign from office by writing a letter of resignation to the President. A judge who has worked as a permanent judge of a High Court can practice after his retirement only in the Supreme Court or High Courts where he has not served as judge. <p>Powers and Jurisdiction of High Court</p> <p>Original Jurisdiction:</p> <p>High courts have original jurisdiction to hear and decide cases in the first instance in the following matters.</p> <ol style="list-style-type: none"> Original jurisdiction over matters relating to state revenue and its collection. Cases regarding wills, divorce, marriage and contempt of court can be brought directly before the High Court. Every High Court has the power to interpret the constitution known as the Power of Judicial Review. Along with Supreme Court it enjoys original jurisdiction for the enforcement of fundamental rights guaranteed by the constitution. It can also issue writs for the enforcement of fundamental rights. The High Court has original jurisdiction in cases such as election petitions, challenging the election of members of Parliament or member of Legislative Assembly or other local bodies. 	<p>is called a District Judge. The court of a District Judge is the highest civil court of the district. It is presided over by a district judge. The district judge decides on civil cases like land, property, money transaction, marriage, divorce and will. The district judge can also act as a district collector or deputy commissioner with administrative and judicial powers.</p> <p>iv. When a judge decides on Criminal Cases he is a Sessions Judge. A sessions court is the highest criminal court of the district. It is presided by a sessions judge. The sessions judge decides on criminal cases like murder, theft, dacoit etc. He does not perform any administrative function.</p> <p>v. In order to be a District Judge a person should be an advocate of seven years standing or an</p>
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<p>d. Writ of Certiorari – The writ by the Superior Court to the Judicial Authority to be informed of what is going on. It is issued after an order has been passed by the lower Court.</p> <p>e. Quo-warranto – It means “by what order”. It prevents public officers from usurping public office.</p> <p>3. Transfer of cases from lower courts: The Supreme Court may transfer cases from one High Court to another in the interest of justice.</p> <p>4. Interpretation of Constitution: The Supreme Court has the final power an exclusive jurisdiction with regard to the constitutional validity of central laws.</p> <p>B. Appellate Jurisdiction means the power to grant special leave to appeal against any judgment delivered by any court in the country. It is the court of appeal and may change the decision or reduce the sentence passed by the lower courts. The Supreme Court is the final court of appeal. The appellate jurisdiction extends to constitutional, civil and criminal cases.</p> <p>a. Constitutional Cases – Appeal on all matters irrespective of the nature were certificate is issued by the High Court, that needs interpretation of the constitution is brought before the Supreme Court.</p> <p>b. Civil Cases – Appeals in all Civil matters can be brought before the Supreme Court provided the High Court certifies</p> <ol style="list-style-type: none"> It is a matter of general importance and involves a substantial question in law. The question needs to be decided by the Supreme Court. Where the High Court refuses to give the certificate the Supreme Court can grant special leave to appeal in suitable cases. <p>c. Criminal Cases – Two types of appeals in Criminal cases. (The Supreme Court intervenes in special and exceptional circumstances when grave injustice has been done)</p> <ol style="list-style-type: none"> Cases without certificate from the High Court <ul style="list-style-type: none"> when the lower court has given a judgment of acquittal that is reversed by the High court and the punishment involves death. where a case is transferred from a lower court to the High Court and the accused sentenced to death. Cases with certificate from the High Court. <p>C. Enforcement of fundamental rights– A citizen whose rights are violated may move the Supreme Court for enforcement of their rights. The Supreme Court has the right to issue writs for the enforcement of any</p>	<p>B. Appellate Jurisdiction of the High Court means it has the power to accept the appeals against the decisions of District Courts in Civil and Criminal matters.</p> <p>a. Civil Cases – Only those cases decided by District Courts under the jurisdiction of a particular High Court can be brought to that High Court by appeal.</p> <ol style="list-style-type: none"> Matters concerning land revenue. Cases where blatant injustice has been committed by a tribunal. In such cases the High Court may quash the order of the tribunals. <p>b. Criminal Cases –</p> <ol style="list-style-type: none"> Appeals against the judgement of a session judge or additional session judge where the sentence of imprisonment exceeds 7 years. Against judgments of assistant session judge or other judicial magistrates where the sentence of imprisonment exceeds four years. Against the state when an order of acquittal is passed by a sessions judge. A sentence of death by a lower court must be confirmed by the High Court before it can be carried out. <p>C. Enforcement of fundamental rights High Courts are empowered to issue writs for the protection of fundamental rights of citizens.</p>	<p>official in the judicial service or the state public service commission.</p> <ol style="list-style-type: none"> A district judge also acts as a Deputy Commissioner or a District Collector. In this capacity he maintains law and order and supervises the collection of revenue of taxes from the district. Thus he possesses administrative power in addition to judicial power. The district judge is appointed by the Governor in consultation with the chief justice of the High Court of the concern state. <p>Lok Adalats – means people’s court</p> <ol style="list-style-type: none"> They were set up by the legal services authorities act. They provide legal aid and quick justice to those who are not in a position to engage lawyers or
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<p>of the fundamental rights.</p> <ol style="list-style-type: none"> 1. Habeas Corpus 2. Mandamus 3. Writ of Prohibition 4. Writ of Certiorari 5. Quo-warranto <p>D. Advisory Jurisdiction –</p> <ol style="list-style-type: none"> i. The Supreme Court can give its opinion or advice on any question of law or matter of public importance as may be referred to it by the President. The advice of the Supreme Court is not binding on the Government nor is it executable as a judgement. ii. Advice on disputes from pre-constitution treaties and agreements. <p>E. Revisory Jurisdiction – The Supreme Court is empowered to review any judgement or order made by it. (Where an error or mistake may have crept in the judgement). This is because Supreme Court decisions cannot be questioned by any other court.</p> <p>F. Judicial Review –</p> <ol style="list-style-type: none"> i. It is the final interpreter of the constitution and its decisions are final . ii. It has the power to declare any law null and void if it is against the letter and spirit of the constitution. iii. The minimum number of judges for power of judicial review is five. iv. This is because the legislature may not possess the wisdom, experience and impartiality, while drafting laws. <p>G. Court of Record –</p> <ol style="list-style-type: none"> i. The Supreme Court shall be the court of record whose judgments are recorded for evidence and testimony. ii. Supreme Court judgments serve as a Precedent i.e. lower courts are bound to give similar decisions on the same matter. iii. Its judgments and orders are preserved as record and produce in any court as precedents. iv. If a person commits contempt of court the court has the authority to punish him. 	<ol style="list-style-type: none"> 1. Habeas Corpus 2. Mandamus 3. Writ of Prohibition 4. Writ of Certiorari 5. Quo-warranto <p>D. Advisory Jurisdiction –</p> <ol style="list-style-type: none"> i. The High Courts can advice any Government department, legislature or Governor if they seek advice on the constitution or matters of law. ii. The advice is not binding <p>E. Revisory Jurisdiction –</p> <ol style="list-style-type: none"> i. The High Court can call for the record of any case decided by a subordinate court. ii. This is done because the High Court feels that the subordinate courts has overstepped its jurisdiction or not followed proper procedure. iii. When there is violation of the principles of natural justice iv. A flagrant error in procedure. v. Arbitrary authority leading to wrong judgement. <p>F. Judicial Review –</p> <ol style="list-style-type: none"> i. The High Court has the power of Judicial review over any law, executive order or any other ordinance passed by the state legislature. ii. The power of judicial review over any order of any authority that infringes on fundamental rights or violates the constitution. iii. The High Court can declare such laws, ordinances and executive orders null and void. <p>G. Court of Record –</p> <ol style="list-style-type: none"> i. The high courts judgments and orders are preserved as a record to be used as reference by its lower courts in future cases. ii. They can be produced as precedents iii. The law laid by a High Court is binding on subordinate courts in the concern states but not on other High Courts. iv. The High Court can punish anyone who commits contempt of 	<p>bear the expenses of legal proceedings.</p> <ol style="list-style-type: none"> 3. To relive the courts of heavy backlog of cases 4. To eliminate high costs and delays in imparting justice. 5. Lok Adalats play an important role in the settlement of family feuds, disputes between neighbours, minor cases through compromise. 6. They work in the spirit of compromise so that both parties feel satisfied. 7. They delivery fast and inexpensive justice. 8. They reduce the work loads of other courts so that higher courts can deal with more serious matters. 9. They promote social justice by providing legal aids to the weaker sessions of society.
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<p>H. Administrative and Supervisory Functions –</p> <ul style="list-style-type: none"> i. Appointment of officers and staff of the Supreme Court are made by the Chief Justice of India. ii. It makes the rule regarding the conduct of advocates and persons appearing before it. iii. The transfer of judges of High Courts by the Chief Justice of India must be made by consulting four senior most judges of Supreme Court. iv. The Supreme Court has simplified procedures in the area of public interest litigation. <p>Independence of Judiciary</p> <ol style="list-style-type: none"> 1. The appointment of the Judges is done by the President in consultation with the Chief Justice and Judges of the Supreme Court and the High Court. (Collegium) 2. Removal of Judges A judge can be removed only on the grounds of proven misbehavior and incapacity. The charge needs to be proven before a joint address by both houses of Parliament supported by a two-thirds majority of members present and voting. 3. Security of tenure <ul style="list-style-type: none"> i. A Judge retires at the age of 65 years. ii. He can be removed by the President on the grounds of “proved misbehavior or incapacity” 4. Security of Salaries & Service conditions <ul style="list-style-type: none"> i. The salary and allowances of Judges are charged on the consolidated funds of India and are not subject to vote of Parliament. ii. The salaries of Judges cannot be reduced except during periods of financial emergency. iii. The salary of Judges cannot be changed to their disadvantages during their term of office 5. Freedom to Announce Decisions and Decrees <ul style="list-style-type: none"> i. Judges are free to announce decisions and decrees without danger to person property of fame. ii. The decision of judges cannot be criticized by public or press. 6. Punishment for contempt of Court The Supreme Court can punish any person or authority for contempt of court. 	<p>its orders.</p> <p>H. Administrative and Supervisory Functions-</p> <ul style="list-style-type: none"> i. The High Court has administrative control over the subordinate judiciary in the state in respect of some matters, besides its appellate and supervisory jurisdiction over them. ii. Such powers include control over district judges, metropolitan magistrates, judges of city civil courts and members of the judicial services of the state. iii. The appointment posting and promotion of district judges is made by the Governor in consultation with High court judges. iv. It can recall district judges who are on deputation . v. It can transfer district judges. <p>Independence of the High Court</p> <ol style="list-style-type: none"> 1. Security of tenure, Security of pay and allowances to Judges. 2. Full control over its procedure of work and establishments. 3. The High Court can punish a person for contempt of court. 4. No discussion in the state legislature on the conduct of High Court Judges. 5. Prohibition on practice after retirement of judges. 	
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<p>7. Full control over its procedure of work and establishment. The Supreme Court decides its own procedure of work and the conditions of service of its employees.</p> <p>8. No discussion in the legislature on conduct of Judges</p> <p>9. Prohibition of practice after retirement A judge is paid a handsome pension but is not allowed to practice after retirement. This is done because if they are allowed to practice they may influence their former colleagues in the judiciary.</p>		
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