

# Indian Judicial System

[UPSC Notes]

## Concept of Independent Judiciary in India

The administration of India is based on the three pillars: Legislature, Executive, and Judiciary. India has an independent judiciary. In the judicial body of India, no other organs of the government can interfere. The government's judicial branch helps interpret the laws, settles disputes, and delivers justice to the people. The Indian Judicial System is considered the watchdog of democracy and guardian of the Constitution.

All other organs of the government respect the decisions taken by the judiciary. The judges of the judicial court perform their functions and duties without favor and fear. The freedom granted to the judiciary does not necessarily mean it will perform functions without accountability and take action arbitrarily. This body is also answerable to the Indian Constitution.

## Structure of the Judiciary

The judiciary is of pyramidal structure. The judicial system indulges judges and magistrates, forming the core of the judiciary system. The Constitution of India was written on 26 January 1950. The Indian Constitution is considered the most extensive and is also known to be India's primary law source.

The Judicial system of India is categorized into the respective branches: Supreme Court, High Court, District Court, or Subordinate Court.

Under the Indian Constitution, the Supreme Court is known as the final court of appeal. The Supreme Court of India has the Chief Justice as the head and 30 judges with other judges for the advisory panel jurisdiction. The disputed cases or unsolved issues are passed on to the Supreme Court. The law declared by the Supreme Court becomes the binding law on all other courts of union territories and states. Supreme Court has three types of jurisdictions- original, appellate, and advisory. The jurisdiction of the Supreme Court is mentioned in Articles 131, 133, 136, and 143 of the Indian Constitution.

For the post of Chief Justice of India, the eligibility criteria are mentioned below:

- He/She is a citizen of India
- Has been for at least five years a Judge of a High Court or of two or more such Courts in succession;
- Has been for at least ten years an advocate of a High Court or of two or more such Courts in succession;
- In the opinion of the President, a distinguished jurist.

It is compulsory for every Indian state under the Constitution of India to have an independent state High Court. In India, the High court of Mumbai is the oldest one. The High courts deal with legal documentation and financial issues. Such courts involve sets of legal professionals.

For the post of Chief Justice of a High Court, the eligibility criteria are mentioned below:

- He/She should be an Indian Citizen.
- He/She should have presided as a Judge for at least ten years in any Indian court.
- He/She should have practiced as an advocate in the High Court for ten years.

District Courts or Subordinate Courts are subordinate to the High Courts of India. The District Courts are formed concerning the state and district population distribution. The District Courts solve cases based on the civil and criminal affairs of the district. All other subordinate courts follow the law declared by the district court.

The Eligibility criteria for the post of district judge are written below:

- He/ She should be a citizen of India.
- The lawyer must have practiced in any court for 7 years.

## Branches of the Legal System in India

The Legal System of India is divided into two important sections: Criminal Law and Civil Law. There are different rules and laws for these sections. The Supreme Court of India protects both criminal and civil issues.

- Criminal law looks after the misconduct of citizens, which is considered a crime or an offense by law. Criminal cases begin with filing reports with the help of local police. After this, investigations start, and finally, the court decides on the matter.
- Civil law protects citizens from the violation of citizens Fundamental Rights. Under civil law, parties file a petition to the court. In the end, the court gives a solution and decision upon the presented dispute.

## Functions of the Indian Judiciary

The Indian Judiciary has the following primary functions:

- Supreme Court plays a crucial role in resolving inter-state disputes.
- The judiciary upholds and interprets the Constitution and strikes down any law, ordinance, rule, or regulation which violates or infringes the Constitutional provisions.
- The courts lay down guidelines and often suggest to the legislature to draft a new law or modify or amend existing laws.
- The judiciary ensures that these fundamental rights are not violated. If any act of the legislature or the executive abridges these rights, then the Constitutional courts have the power to issue writs.

## Role of Judiciary in India

The Indian Judiciary has the following roles to play:

- **Administration of Justice:** The main aim of the judiciary is to exercise law over particular cases to solve disputes. The disputes brought to the court decide the facts indulged in the information given by the contestants. Then, the judge looks after valid law that applies to the cases. If a person violates the law or is found guilty during the trial, the court will impose a penalty on the guilty person.
- **Guardian of the Constitution:** The Supreme Court of India acts as the Guardian of the Constitution. The prevailing conflicts of jurisdiction between the state and central government or between the executive and legislature by the judicial court are solved by the Supreme Court. The executive order or law violating the Constitution's provisions is announced null or unconstitutional by the judiciary. This is called Judicial Review. It has the advantage of guaranteeing fundamental rights to the citizens and assuring a proper balance between the units in a federal state and the center.
- **Creation of Judge-case Law:** Sometimes, it becomes tough for the judges to decide specific laws for the application. Many judges hold discussions to understand the true sense of the law. Such efforts make them establish the body of 'judge-made law' or 'case law'.
- **Protector of Fundamental Rights:** The judicial body of India protects the Fundamental Rights of the citizens. It ensures that any agency or the state does not stomp on the rights of the people. By issuing writs, the supreme court of India enforces Fundamental Rights.
- **Advisory Functions:** Under the advisory functions of the Supreme Court, it suggests advisory opinions upon questions based on the Constitution. This procedure is carried out without disputes and when the executive desires advice.
- **Supervisory Functions:** The high courts perform the functions of supervising the subordinate courts of India.
- **Conducting Judicial Enquiries:** Sometimes, head commissions ask judges to enquire about the cases of errors or omissions in the case of public servants.
- **Administrative Functions:** The functions of the courts are administrative and non-judicial. Some licenses are granted to the people by the courts. Courts help in the registration of marriages and appoint guardians of little children.
- **A Special Role in a Federation:** India has a federal system under which the judiciary performs the work of solving disputes between states and the center. It is also called the arbiter of disputes among the states.

## Indian Judiciary- Civil Courts and Criminal Courts

Criminal law is used for crimes like robbery, arson, murder, etc. Civil law is used for disputes when a person entreats another person or entity. Civil cases include consumer problems, bankruptcy, eviction, debt, divorce, etc.

The judges of criminal courts and civil courts have divergent authorities. The criminal court judge can send the convicted person to jail as punishment, but in civil courts, the judge can impose fines on the guilty. The judges of district courts, second-class magistrates, and other civil judges are placed at the lowest position of the judicial hierarchy in India.

The district courts are known to be the highest court in the district. It comprises both Judicial and Administrative powers. In the district HQ, the court of the district judge is present. It works for both civil and criminal cases; therefore, the judge is called a Sessions and District judge. The district courts consist of Sub-Judge, Munsif Courts, and Additional Sub-Judges. It is found that many civil cases are reported in the Munsif court.

## Jurisdiction of the Civil Courts

The Civil Courts mainly deals on four types of jurisdiction:

- **Territorial Jurisdiction:** It studies the cases within reach of geographical limits and not beyond that territory.
- **Subject Matter Jurisdiction:** It deals with trying cases of a specific type and cases related to a particular subject.
- **Appellate Jurisdiction:** It is the responsibility of the court to review a case decided by a lower court or listen to the appeals. The High Court and Supreme Court comprises Appellate Jurisdiction.
- **Pecuniary Jurisdiction:** It works with cases based on money matters.