

8th -Judiciary II



Subordinate Court: The states are divided into districts. Each of the districts has a district court. The district court and the courts below it are called subordinate courts. Subordinate courts under it are the court of the civil judge and the court of the munsif. The court of the session's judge is the highest court in the district dealing with criminal cases. And the subordinate courts under it are the courts of the chief judicial magistrate, the first class judicial magistrates, and the second- class judicial magistrates. The Unified Indian Judiciary:- If a citizen is dissatisfied with the judgment given in any lower court, he or she can appeal to a higher court. If a fundamental right is violated, the citizen can either appeal to the High Court or to the Supreme Court. And the courts can issue writs to safeguard and enforce the fundamental rights.

Lok Adalats for Speedy Justice: The number of Judges were highly inadequate to deal with the large number of cases that were being registered each day. As a result, there was a heavy backlog of cases in all the courts. In an effort to speed up the process of settling cases, Lok Adalats were established by an act of Parliament. Lok Adalats means 'people's court'. The first Lok Adalat was held in Delhi in 1985. Lok Adalats, which offered free legal aid, ensured that justice was not denied to the poor for economic reasons.

Functions and powers of the Supreme Court: The high court of India has to perform specific functions within the jurisdiction as provided by the constitution. The functions can be elaborated under the following heads:

1. **Original jurisdiction:** Under original jurisdiction, the Supreme Court deals with those cases which come directly under its jurisdiction. These cases may relate to

- Centre-state disputes
- Disputes between various states
- The cases involving the violation of fundamental rights

2. **Appellate jurisdictions:** The Supreme Court is the apex court for jurisdiction in India. When someone is not satisfied with the decision given by the high court of a state, he/she may ask the Supreme Court to review the judgment. The Supreme Court may reconsider the case. This is called appellate jurisdiction of the Supreme Court.

3. **Writ Jurisdiction:** The Supreme Court is the guardian of our fundamental rights. When someone feels that their fundamental rights are violated or they are deprived of their fundamental rights, they can directly file a petition in the Supreme Court then gives special orders in the form for a writ to get the fundamental rights implemented.

4. **Advisory Jurisdiction:** In addition to the above discussed functions of the Supreme Court, sometimes it has to perform advisory functions also. Sometimes the president of India can refer any matter of public importance to the court for its advice. However, the President is not bound to accept the advice /suggestions made by the Supreme Court.

Powers of High Court: The most important functions performed by a high court are as follow.

1. **Original Jurisdiction:** Indian Constitution, under Article 226, empowers the High Court to issue a writ to any person or authority within its jurisdiction for the enforcement of fundamental rights or against their violation. It also hears directly the disputes related to state elections.

2. **Appellate Jurisdiction:** The High Court hears appeals on both civil and criminal cases against the decision of Subordinate Courts (District Courts) and reviews their judgment. The High Court has the power to give fresh verdict in such cases.



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3. Advisory Jurisdiction: According to Article 227 of the Indian Constitution, the High Court can extend its power of superintendence to all courts in its jurisdiction, except those dealing with armed forces operating within its territorial jurisdiction. Under Article 228, the High Court can also supervise the functioning of the Subordinate Courts. It enjoys the powers of judicial review like the supreme court of India.

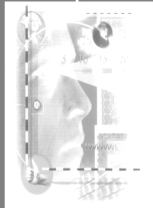
What are the different branches of legal system?

In addition to criminal law, the legal system also deals with civil law cases.

No.	Criminal law	Civil law
1.	Deals with conduct or acts that the law defines as offences. For example, theft, harassing a woman to bring more dowry, murder.	Deals with any harm or injury to rights of individuals. For example, disputes relating to sale of land purchase of goods, rent matters, divorce cases.
2.	It usually begins with the lodging of an first information report (FIR) with the police who investigate the crime after which a case is filed in the court.	A petition has to be filed before the relevant court by affected party only. in a rent matter, either the landlord or tenant can file a case.
3.	If found guilty, the accused can be sent to jail and also fined.	The court gives the specific relief asked for. For instance, in a case between a landlord and a tenant, the court can order the flat to be vacated and pending rent to be paid.

Does Everyone Have Access To The Courts? In principal, all citizens of India can access the courts in this country. This implies that every citizen a right to justice through the courts. The courts play a very significant role in protecting our fundamental rights. if any citizen believes that their rights are being violated, then they can approach the court for justice to be done. While the court are available for all, in reality access to courts has always been difficult for a vast majority of the poor in India, legal procedures involve a lot of money and paperwork as well as take up a lot of time. For a poor person who cannot read and whose family depends on a daily wage, the idea of going to court to get justice often seems remote. In response to this, the Supreme Court in the early 1980s devised a mechanism of public interest litigation or PIL to increase access to justice. It allowed any individual or organization to file a PIL in the high court or the Supreme Court on behalf of those whose rights were being violated. The legal process was greatly simplified and even a letter or telegram addressed to the Supreme Court or the high court could be treated as a PIL. For the common person, access to courts is access to justice. The courts exercise a crucial role in interpreting the fundamental rights of citizens. Another issue that affects the common person's access to justice is the inordinately long number of years that courts take to hear a case. The phrase 'justice delayed is justice denied' is often used to characterize this extended time period that courts take. However, in spite of this there is no denying that the judiciary has played a crucial role in democratic India, serving as a check on the powers of the executive and the legislature as well as in protecting the fundamental rights of citizens. The members of the constituent assembly had quite correctly envisioned a system of courts with an independent judiciary as a key feature of our democracy.

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Facts

1. The Chief Justice of India (*CJI*) is the head of the judiciary of India and the Supreme Court of India.
2. On 26 January 1950, the day India's constitution came into force, the Supreme Court of India was formed in Delhi.
3. The first woman Judge and the first woman SC Judge of India were from the literate state Kerala
4. The current incumbent is **Dipak Misra** who was appointed as Chief Justice of India on 28 August 2017

