

STRUCTURE OF COURTS

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System of Courts in India

- ▣ At National level – Supreme Court of India
- ▣ At State level – High Court
- ▣ At District and Subordinate level – Subordinate Courts (Civil and Criminal)

Jurisdiction of the Supreme Court

- ▣ **Court of Record.** Has power to punish for contempt. (Art-129)
- ▣ **Original Jurisdiction.** (Art-131)
- ▣ **Highest Court of Appeal** (Articles-132,133,134 & 136)
- ▣ **Writ jurisdiction.**(Art-32)
- ▣ **Advisory Jurisdiction.**(Art-143)
- ▣ Law declared by the Supreme Court **binding on all Courts in India.**(Ar-.141)

Original Jurisdiction. (Art-131)

SC to the exclusion of any other Court shall have original jurisdiction in any dispute-

- ▣ Between Govt of India and one or more States
- ▣ Between Govt of India and any State or States on one side or one or more other States on the other.
- ▣ Between two or more States

-if that dispute involves any Question of law or Fact on which existence and extent of a legal Right depends-

Appellate Jurisdiction-Art 132

Appeal shall lie to SC from-

- ▣ From any Judgment, Decree, or final order of a High Court
- ▣ Whether Civil, Criminal or other proceeding
- ▣ Involving **a substantial question of Law** as to the interpretation of Constitution

Appellate Jurisdiction in Civil matters-Art 133

Appeal shall lie to SC from-

- ▣ From any Judgment, Decree, or final order in a civil proceeding of a High Court
- ▣ Involving substantial question of law of general importance
- ▣ Involving a substantial question of Law as to the interpretation of Constitution has been wrongly decided.

Appellate jurisdiction in criminal matters-Art-134

An appeal shall lie to SC-

- ▣ From any judgment, final order or sentence in a criminal proceeding of a High Court if the HC-
- ▣ Has reversed an order of an acquittal and sentenced the accused
- ▣ Has withdrawn for trial before itself and sentenced the accused to Death

Jurisdiction of the High Court

- ▣ **Court of Record.** Has power to punish for contempt. (Art-215)
- ▣ **Original Jurisdiction** in civil and criminal matters in the case of some High Courts.
- ▣ **Appellate jurisdiction** in respect of criminal and civil cases decided by Subordinate courts.
- ▣ **Revisional Jurisdiction** conferred under the Civil Procedure Code and Criminal Procedure Code.
- ▣ **Writ jurisdiction.**(Art-226)
- ▣ **Administrative Jurisdiction** over subordinate courts.

Civil Courts subordinate to the High Court

In Metros

▣ First Grade

Chief Judge and
Additional Chief Judge

▣ Second Grade

Assistant Chief Judge or
Senior Civil Judge

▣ Third Grade

Munsif or
Junior Civil Judge

In Districts

▣ First Grade

District Judge and
Additional District
Judge

▣ Second Grade

Assistant District Judge
or Senior Civil Judge

▣ Third Grade

Munsif or
Junior Civil Judge

Criminal Courts Subordinate to the High Court

In Metropolitan Cities

- ▣ **Sessions Court** (Sessions Judge, Addl. Sessions Judges and Asst. Sessions Judges)
- ▣ Chief Metropolitan Magistrate's Court
- ▣ **Metropolitan Magistrates' Courts**

▣ In Districts

- ▣ **Sessions Court** (Sessions Judge, Addl. Sessions Judges and Asst. Sessions Judges)
- ▣ Chief Judicial Magistrate's Court
- ▣ **Judicial Magistrates of First Class.**
- ▣ Judicial Magistrates of Second Class.

Sentencing Power of different Trial Courts

- ▣ Sessions Judge and Additional Sessions Judge
 - ▣ Any sentence authorized by law. But death sentence to be confirmed by the High Court
- ▣ Assistant Sessions Judge
 - ▣ Imprisonment upto 10 years and fine authorized by law
- ▣ Chief Judicial Magistrate
Chief Metropolitan Magistrate
 - ▣ Imprisonment upto 7 years and fine authorized by law
- ▣ Judicial Magistrate of I class
Metropolitan Magistrate
 - ▣ Imprisonment upto 3 years and fine not exceeding Rs. 10000.
- ▣ Judicial Magistrate of II class
 - ▣ Imprisonment upto 1 year and fine not exceeding Rs. 5000

Separation of powers

- ▣ In pursuance of the scheme of separation of executive from the judiciary under Art 50 of the Constitution – **Two categories of Magistrates created.**
- ▣ **Judicial Magistrates** – Appointed and controlled by the High Court and discharge judicial functions.
- ▣ **Executive Magistrates** – Appointed and controlled by the State Government and discharge executive functions, i.e., maintenance of law and order.

Executive Magistracy

▣ For Districts

- District Magistrates
- Additional District Magistrates
- Executive Magistrates

▣ For Subdivision

- Sub-Divisional Magistrate
- Additional Sub-Divisional Magistrate
- Executive Magistrates

Thank You