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# Judiciary of India - Study Notes for Banking & SSC Exams in PDF

The Judicial System in India is one of the most constructive & effectual systems in the world. It has been constructed after the 2 centuries long colonial rule by the Imperial British Rule. It is crucial that students like you who prepare for Government Recruitment Exams are aware of the vastness that is the Indian Judiciary. Questions in General Awareness section are frequently filled with the Judiciary of India. Therefore, learning about it is a must. Given below is a brief article that will help you have a basic idea of how the Judiciary of India works. After reading more such articles on G.K for SSC & Banking Exams, you can take the [Online Free GK Mock Tests](#) to check your preparation levels!

## Introduction to Judiciary of India

The government of India has three major branches – Legislature, Judiciary and Executive. Judiciary is an important branch of the government of India. It is an independent body and is different from Executive and legislature. Judiciary operates in such a way that it keeps both the executive and legislature in their mandated role. The main function is to deliver justice to the people. Indian judiciary inherited its legal system from the British colonial rule. The single system of courts has been adopted by Government of India act 1935, enforces both central laws as well as state laws.

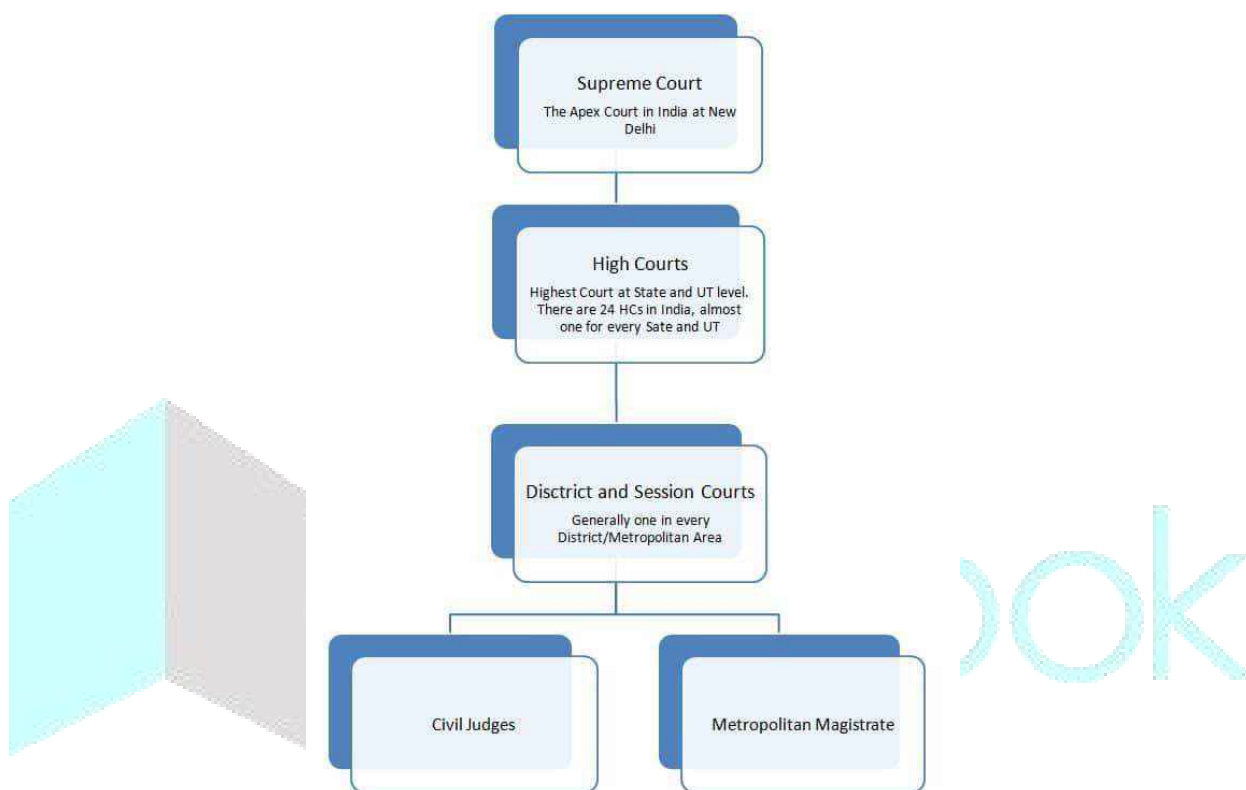
## Structure of Judiciary of India

Indian constitution has established an integrated judicial system. It has three Tier structure -





1. Supreme Court
2. High Court
3. Subordinate Court



## ***1. Supreme Court - Judiciary of India***

The Supreme court of India was inaugurated on 28th January 1950. It Succeeded the federal court of India which was established under GOI act 1935. The Supreme Court replaced the British Privy council. Moreover, Article 124 to 147 of the Indian Constitution deals with the composition, appointment, powers, procedures etc. of



Supreme court. It is final interpreter and guardian of the Constitution & guarantor of fundamental rights of citizens. The Supreme court is situated in Delhi.

### **Composition:**

- It consists of thirty-one Judges & a Chief Justice.
- Originally, the strength of Supreme court judges was 8 (including chief justice).

### **Powers:**

- Prevention of violation of law
- Decides on constitutional questions
- Administrative functions
- Protection of fundamental rights
- Making of new law
- Interprets the Constitution and Laws
- Advisory function
- Guardian of the Constitution

### **Appointment:**

Chief justice of Supreme court is appointed by President after the consultation with the Judges of Supreme court and High court. The Judges are appointed by President. The other Judges of Supreme Court is appointed with the consultation of Chief Justice and consultation of Chief justice is obligatory.

### **Removal:**

They are removed by an order of the President. The removal order is presented to the President only after an address by the Parliament. Removal of SC judge by impeachment



is regulated by the Judges Enquiry Act. The Removal motion is signed by 100 members in case of Lok Sabha and 50 members in case of Rajya Sabha.

### **Tenure:**

There is no fixed tenure by the Constitution. Some provisions have been provided by the constitution under which the Judge holds office until the age of 65 years. He has to resign his office by writing to the President or he can be removed by President by an order of Parliament.

### **Salaries and allowances:**

The Salary is determined by the Parliament. Moreover, they are also paid sumptuary allowance and provided free accommodation and facilities. The expenses are charged on consolidated fund of India.

### **Jurisdiction of Supreme Court:**

- Constitution has given extensive jurisdiction powers to supreme court.

Jurisdiction of Supreme is classified under the following categories:

1. Original jurisdiction
2. Writ jurisdiction
3. Appellate jurisdiction
4. Advisory Jurisdiction
5. Advisory jurisdiction
6. A court of record
7. Power of judicial review
8. Other powers

### **Judicial Review:**

It is the power of Supreme Court is to examine the constitutionality of legislative enactments and executive orders of both central and state governments.

### **Other Powers:**

- Its law is binding on all courts.
- It can review its own judgment.
- It solves disputes of the election of President and vice president.
- It has the authority to withdraw pending high court cases.

## ***2. High Court - Judiciary of India***

The High Court of India operates below the Supreme court. It is at the top position in Judicial Administration of state. Originated in 1866, high courts were set up in Calcutta, Bombay, and Madras. In the Constitution, there is a provision for the High court in each state but by 7<sup>th</sup> amendment act of 1956 one or more state can have common high court.

### **Composition:**

- A chief justice and other judges.
- President determines the strength of high court from time to time.

### **Powers of High Court:**

- The High Court is the highest court of appeal in the state.
- It has the supervisory and consultative role.
- The High Court of a State has all jurisdiction powers given to supreme court except other powers.

- The Parliament and the state Legislature are responsible to change the jurisdiction and powers of the High Courts.

### **Appointment:**

The Appointment of the Judges of the High Court is done by President after consultation with Chief Justice and concerned state governor.

### **Removal:**

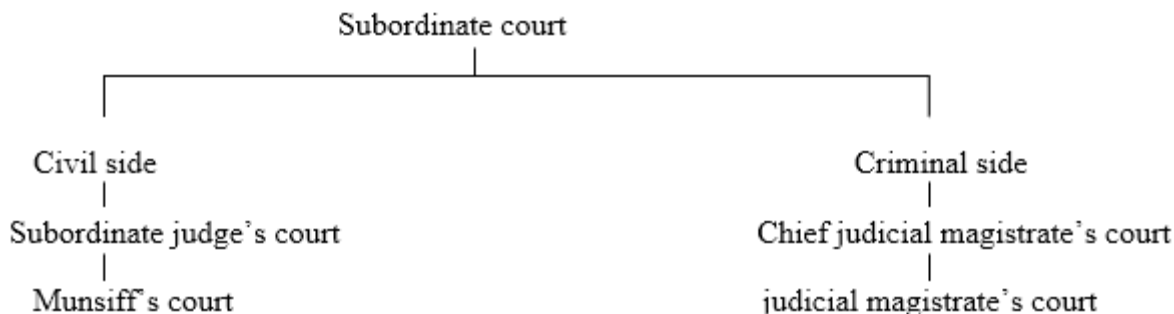
The Removal of the Judges of the High Court is done by an order of the President after an address by parliament has been presented to him. The Address must be supported by a special majority of each house of Parliament. The process of impeachment is followed by removal of High Court Judge is same as Supreme Court.

**Note** – The President can appoint a judge of High Court as acting chief justice of the high court. He can appoint additional Judge for a temporary period. A Retired judge of a High court can act a Judge of concerned High Court for a temporary period. Also, a High Court can punish any person for its contempt.

## ***3. Subordinate Courts - Judiciary of India***

The Subordinate Courts are subordinate to State High Courts. These Courts functions under high court at district and other lower level. Article 233 to 237 of the Constitution deals with the Subordinate Court.

### **Structure of the Subordinate Court:**



### Powers:

- The district judge is the highest judicial authority in the district.
- He has original and appellate jurisdiction in both civil and criminal matters.
- He possesses all supervisory powers over all the subordinate courts in the districts.
- Session judge has the power to impose life imprisonment and capital punishment.

### Appointment of various Judges:

**District judge** – By the Governor of State with the consultation of High Court.

**Other judges** – By governor of state after consultation with the state public service commission.

### Administrative Tribunal:

- Article 323 A deals with administrative tribunals.
- These are set up to settle disputes related to recruitment in public services.
- Parliament has power to settle the disputes.



- Central administrative tribunal for the centre and state administrative tribunal for states has been established.

## Salaries & Allowances:

The Salary is determined by the Government of India. At the same time, Sumptuary allowances, free accommodation, and various other facilities are also provided to them.

### **Lok Adalats**

Lok Adalats are known as people's court. Established by the government to settle the disputes through conciliation and compromise.

The **first Lok Adalat was held in Chennai in 1986**. It is presided by sitting or retired judicial officer as chairman and two other members.

There is no court fee. The decision of Lok Adalat's is binding on the parties to the dispute.

Now that you have gone through the Judiciary of India in detail, you can study about other such topics. Read more such informative articles below!

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