

JUDICIAL SYSTEM IN STATE

The **Judicial System** in India operates in a hierarchical structure, with the **Supreme Court of India** at the top. Below it, the judicial system is divided into **Central** and **State** jurisdictions. At the state level, the judicial system is responsible for enforcing state laws, interpreting laws passed by the state legislature, and administering justice within the boundaries of the state.

1. Structure of the State Judiciary

The **State Judiciary** is an integral part of the judicial system of India and is headed by the **High Court** at the state level. The structure of the state judicial system can be categorized as follows:

1.1 High Court (HC)

- The **High Court** is the highest judicial authority in each state (or group of states) in India. It has both original and appellate jurisdiction.
- The **High Court** has the power to hear cases that involve fundamental rights, laws made by the state legislature, and other significant matters. It can also hear appeals from the lower courts within the state.
- Each High Court is headed by a **Chief Justice**, with other **Judges** appointed by the President of India in consultation with the Chief Justice of India and the Governor of the state.
- A **High Court** is typically located in the state capital or a significant city in the state.

1.2 Jurisdiction of the High Court

- **Original Jurisdiction:** In matters such as writ petitions (fundamental rights), disputes between states and union territories, and cases involving the state or central government.
- **Appellate Jurisdiction:** The High Court hears appeals from lower courts such as District Courts, Sessions Courts, and Magistrate Courts.
- **Supervisory Jurisdiction:** The High Court has the power to supervise and review the functioning of lower courts and tribunals.
- **Writ Jurisdiction:** The High Court can issue writs (orders) to protect fundamental rights and for any other purpose within its jurisdiction.

2. District Courts

Below the High Court, the judicial structure is organized at the **district level**. The **District Courts** are the main courts in a state where most civil and criminal cases are initially heard.

2.1 Structure of District Courts

- **District Judge:** The **District Judge** heads the District Court and is responsible for the administration of justice in the district. They have the authority to hear major civil cases, including property disputes, family law issues, etc.
- **Civil Courts:** These courts handle disputes related to property, contract law, inheritance, etc.
- **Criminal Courts:** These courts deal with criminal cases, including theft, assault, murder, etc. The District Court has the authority to handle serious criminal cases that could lead to long sentences or death penalties.

2.2 Types of Courts under the District Judge

- **Session Courts:** These are responsible for handling serious criminal cases, including murder, rape, and other major offenses. A **Sessions Judge** presides over these courts.
- **Magistrate Courts:** These courts handle minor criminal cases, including traffic violations, petty thefts, and other small offenses. **Magistrates** preside over these courts, and they have different levels (First Class, Second Class, etc.).
- **Family Courts:** These courts handle family-related matters like divorce, child custody, maintenance, etc.

2.3 Jurisdiction of District Courts

- **Original Jurisdiction:** District courts can try cases for the first time.
- **Appellate Jurisdiction:** District courts hear appeals from lower courts in cases that do not require a High Court intervention.

3. Subordinate Courts

Below the District Courts, there are various **subordinate courts** that deal with specific matters. These courts are responsible for the day-to-day administration of justice at the local level.

3.1 Civil Courts

- **Civil Courts** at the district and taluka levels handle disputes related to property, contracts, business, family issues, etc. They work under the overall supervision of the District Judge.
- **Small Causes Court:** These courts deal with minor civil cases, often related to contractual or financial matters.

3.2 Criminal Courts

- **Magistrate Courts:** Magistrates are responsible for dealing with criminal offenses such as theft, assault, and other petty crimes.
- **Sessions Courts:** For more serious offenses, including violent crimes, Sessions Courts hear and adjudicate criminal cases.

3.3 Family Courts

- Family Courts are set up to deal with cases related to family matters like divorce, maintenance, adoption, and domestic violence. These courts aim to resolve issues in a more compassionate and time-efficient manner.

3.4 Tribunals

- **Tribunals:** These specialized courts handle specific types of cases, such as tax disputes, industrial disputes, and service matters. Examples include the **Income Tax Tribunal**, **Labour Tribunal**, and **Consumer Dispute Redressal Forum**.

4. Judicial Officers

The state judiciary comprises various judicial officers who are responsible for administering justice. These include:

- **Judges:** At the High Court and District Court levels, judges are responsible for delivering judgments in cases.
- **Magistrates:** At the lower levels of the judicial system, magistrates handle criminal matters, including arrests, bail, and minor offenses.
- **Lawyers: Advocates** represent parties in the courts and assist in the legal proceedings.

5. Judicial Review and Independence

The judiciary in India, including the state judiciary, is **independent** of the executive and legislature, ensuring fair trials and decisions based on the law, free from political influence.

- **Judicial Review:** The judiciary can review laws passed by the legislature to ensure they comply with the **Constitution of India**. If any law is found to be unconstitutional, it can be struck down by the courts.
- **Public Interest Litigation (PIL):** Courts, especially High Courts, entertain PILs filed by individuals or organizations seeking justice on behalf of the public or marginalized groups.

6. Role of the State Judiciary

The **State Judiciary** performs several important functions:

6.1 Law Interpretation and Application

- The judiciary interprets the laws passed by the state legislature and applies them in individual cases. It ensures that the laws are applied correctly and impartially.

6.2 Protection of Fundamental Rights

- The state judiciary plays a critical role in protecting **fundamental rights** of individuals. If a person's rights are violated, they can approach the courts for redressal.

6.3 Resolving Disputes

- The courts are responsible for resolving disputes between individuals, organizations, and the state. This includes both civil and criminal cases.

6.4 Judicial Activism

- In cases where laws are not clear or the executive fails to act in the public interest, courts may take a proactive role in ensuring justice, as seen in the practice of **judicial activism**.

7. Role of the Governor in the State Judiciary

- The **Governor** of a state plays an important role in the judicial system, especially in the appointment of judges to the **High Court** and other judicial posts in the state. The Governor appoints judges in consultation with the **Chief Justice of India** and the **Chief Justice of the State High Court**.
- The Governor also has a role in granting **pardons, reprieves, and commutations** to prisoners in cases of death sentences or severe sentences.