

Study Material Details

Commission: SCHOOL EXAMINATION (6-12)

Category: GRADE XII

Sub Category: NCERT CONCEPT BOOSTER

Subject: LEGAL STUDIES

Chapter: JUDICIARY

Topic:

STRUCTURE, HIERARCHY OF COURTS, AND LEGAL OFFICERS IN INDIA, Supreme Court of India, High Courts

Material Type: Combined Topic Based

Language: English

Title: JUDICIARY AND ITS STRUCTURE

Short Description:

The judiciary interprets laws, ensures justice, and protects rights. Its structure includes Supreme Court, High Courts, and Subordinate Courts, functioning independently to uphold constitutional values, resolve disputes, and maintain rule of law.

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Detail Content

- **Single Integrated System** - One unified judicial framework for both central and state laws.
- **Three Levels** - Supreme Court (apex), High Courts (state/UT level), Subordinate Courts (district/local).
- **Supreme Court** - Established in 1950; guardian of the Constitution; Chief Justice + 33 judges (2025).

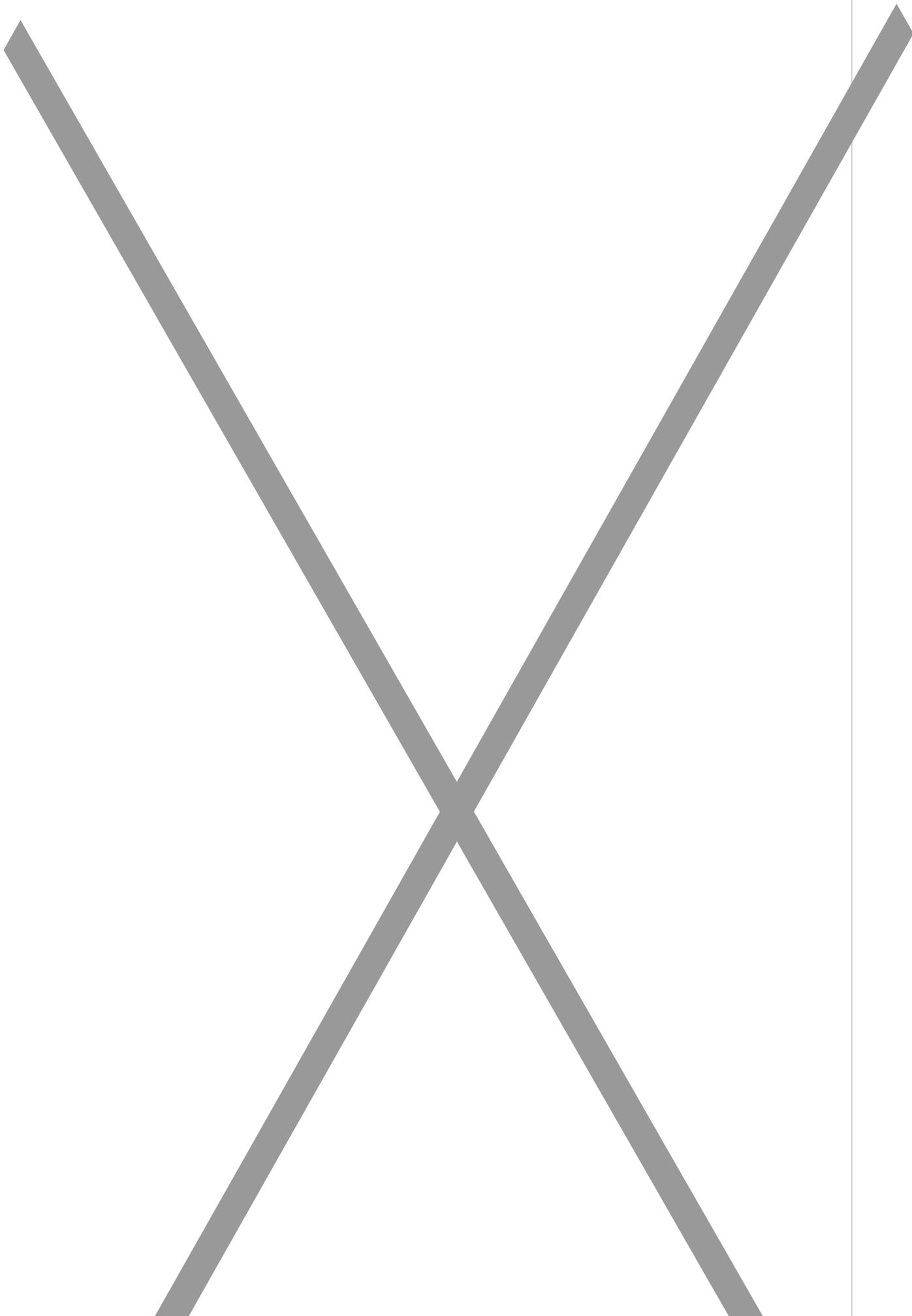
- **Supreme Court Jurisdiction** – Original, Appellate, Advisory; protector of Fundamental Rights.
- **High Courts** – 25 in total; exercise original, appellate, and writ jurisdiction under Article 226.
- **High Court Features** – Oldest: Calcutta (1862); Largest: Allahabad (160 judges); retirement age 62.
- **Subordinate Courts** – District & Sessions Courts, Civil Courts, Criminal Courts, Revenue Courts under HC control.
- **Judicial Independence** – Protected by Constitution (Articles 124-147, 214-231); separation from executive (Article 50).
- **Writ Powers** – Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto safeguard rights.
- **Judicial Activism** – Public Interest Litigations (PILs), suo motu actions expand access to justice and protect democracy.

Sections

1. Judiciary

Structure and Hierarchy of the Judiciary in India

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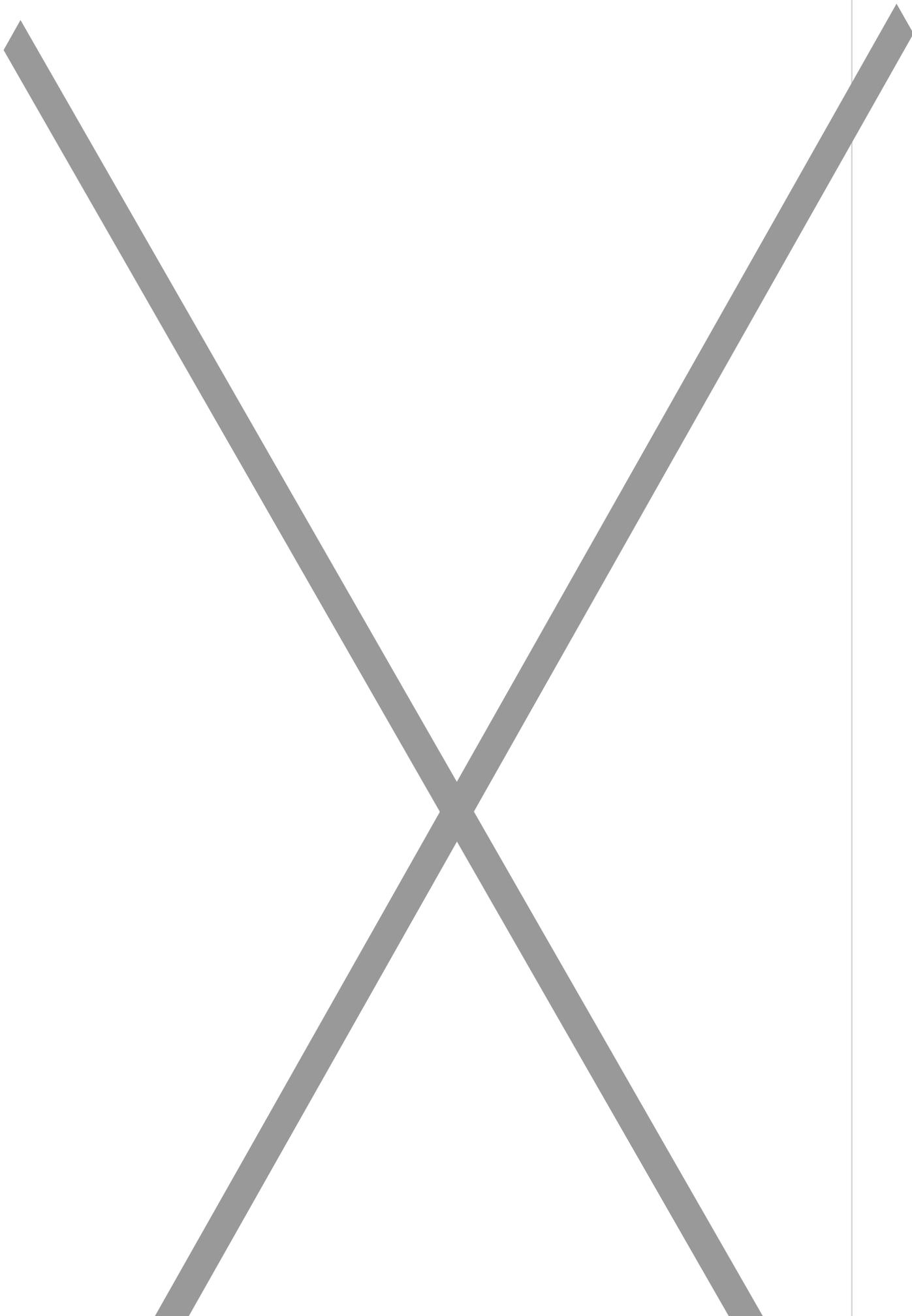


India follows a single integrated judicial system with the Supreme Court at the top, followed by High Courts and Subordinate Courts. This structure is unified and independent, ensuring justice across the nation.

Key Features of the Indian Judiciary

Feature	Description
Integrated System	One system for both Central and State Laws
Hierarchical Structure	Three main levels: Supreme Court, High Courts and Subordinate Courts
Independence of the Judiciary	Constitutionally protected (Articles 124-147 for the Supreme Court, 214-231 for the High Courts)
Power of Judicial Review	Can declare laws unconstitutional
Court of Record	Judgments of higher courts are used as precedents

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Judicial Hierarchy in India

SUPREME COURT OF INDIA

(Constitutional Court)



HIGH COURTS OF STATES

(25 in total)

HIGH COURTS OF UTs

(Some UTs share HCs)



DISTRICT & SESSIONS COURTS

(Civil & Criminal)

FAMILY COURTS, etc.

(Specialised subordinate courts)

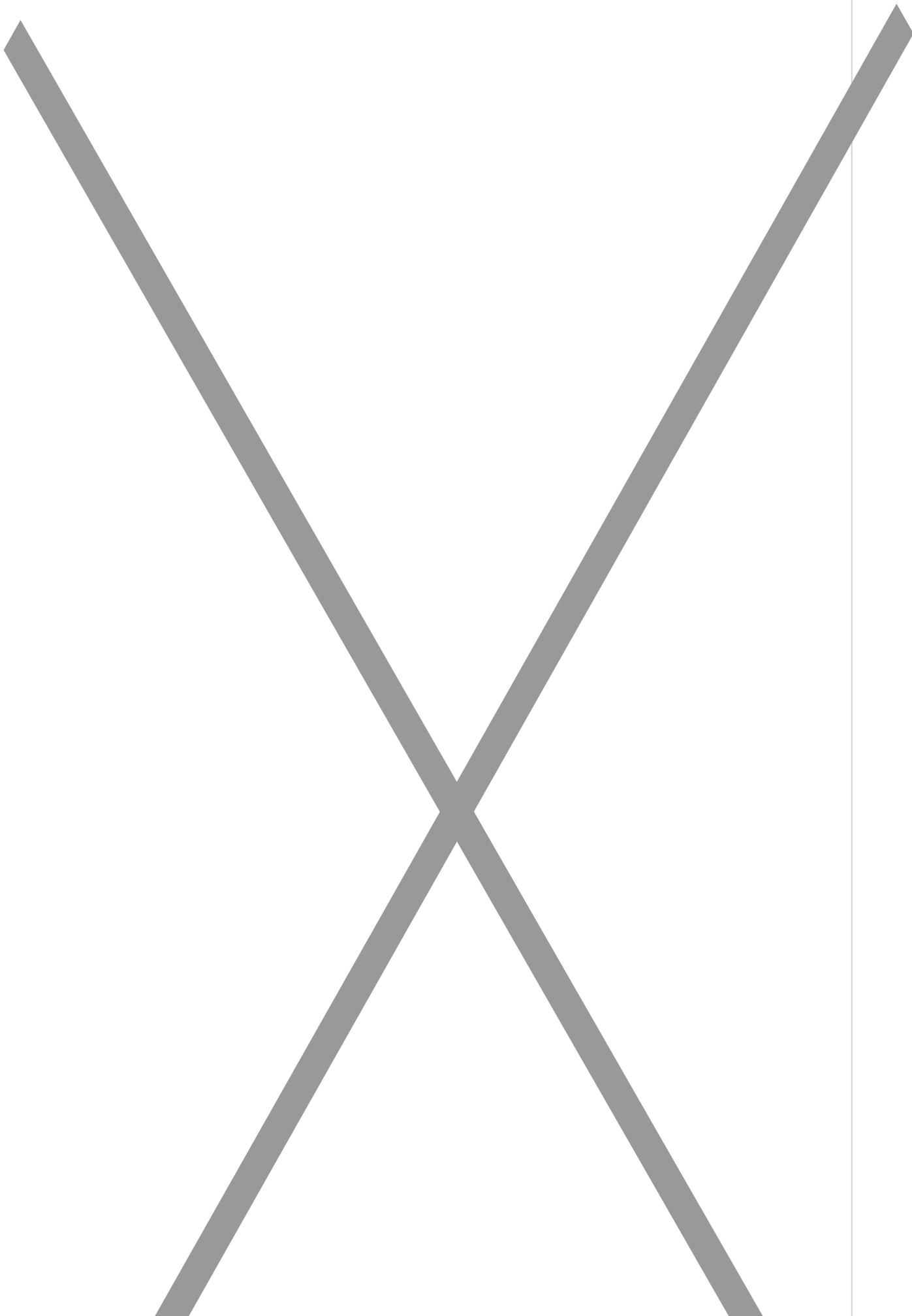


CIVIL JUDGE (Junior/Senior)

MAGISTRATE COURTS

(Judicial & Executive)

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List of Chief Justices of India (1950–Present)

1. Harilal Jekisundas Kania
2. M. Patanjali Sastri
3. Mehr Chand Mahajan
4. Bijan Kumar Mukherjea
5. Sudhi Ranjan Das
6. Bhuvneshwar Prasad Sinha
7. P.B. Gajendragadkar
8. A.K. Sarkar
9. K. Subba Rao
10. K.N. Wanchoo
11. M. Hidayatullah
12. J.C. Shah
13. S.M. Sikri
14. A.N. Ray
15. M. Hameedullah Beg
16. Y.V. Chandrachud
17. P.N. Bhagwati
18. R.S. Pathak
19. E.S. Venkataramiah

20. Sabyasachi Mukherjee

21. Ranganath Misra

22. K.N. Singh

23. M.H. Kania

24. L.M. Sharma

25. M.N. Venkatachaliah

26. A.M. Ahmadi

27. J.S. Verma

28. M.M. Punchhi

29. A.S. Anand

30. S.P. Bharucha

31. B.N. Kirpal

32. G.B. Pattanaik

33. V.N. Khare

34. S. Rajendra Babu

35. R.C. Lahoti

36. Y.K. Sabharwal

37. K.G. Balakrishnan

38. S.H. Kapadia

39. Altamas Kabir

40. P. Sathasivam

41. R.M. Lodha

42. H.L. Dattu

43. T.S. Thakur

44. Jagdish Singh Khehar

45. Dipak Misra

46. Ranjan Gogoi

47. Sharad Arvind Bobde

48. N.V. Ramana

49. U.U. Lalit

50. D.Y. Chandrachud

51. Sanjiv Khanna

Level of the Judiciary

1. Supreme Court of India

The Supreme Court is India's apex judicial authority. It is crucial in upholding the Constitution, interpreting laws, and protecting fundamental rights.

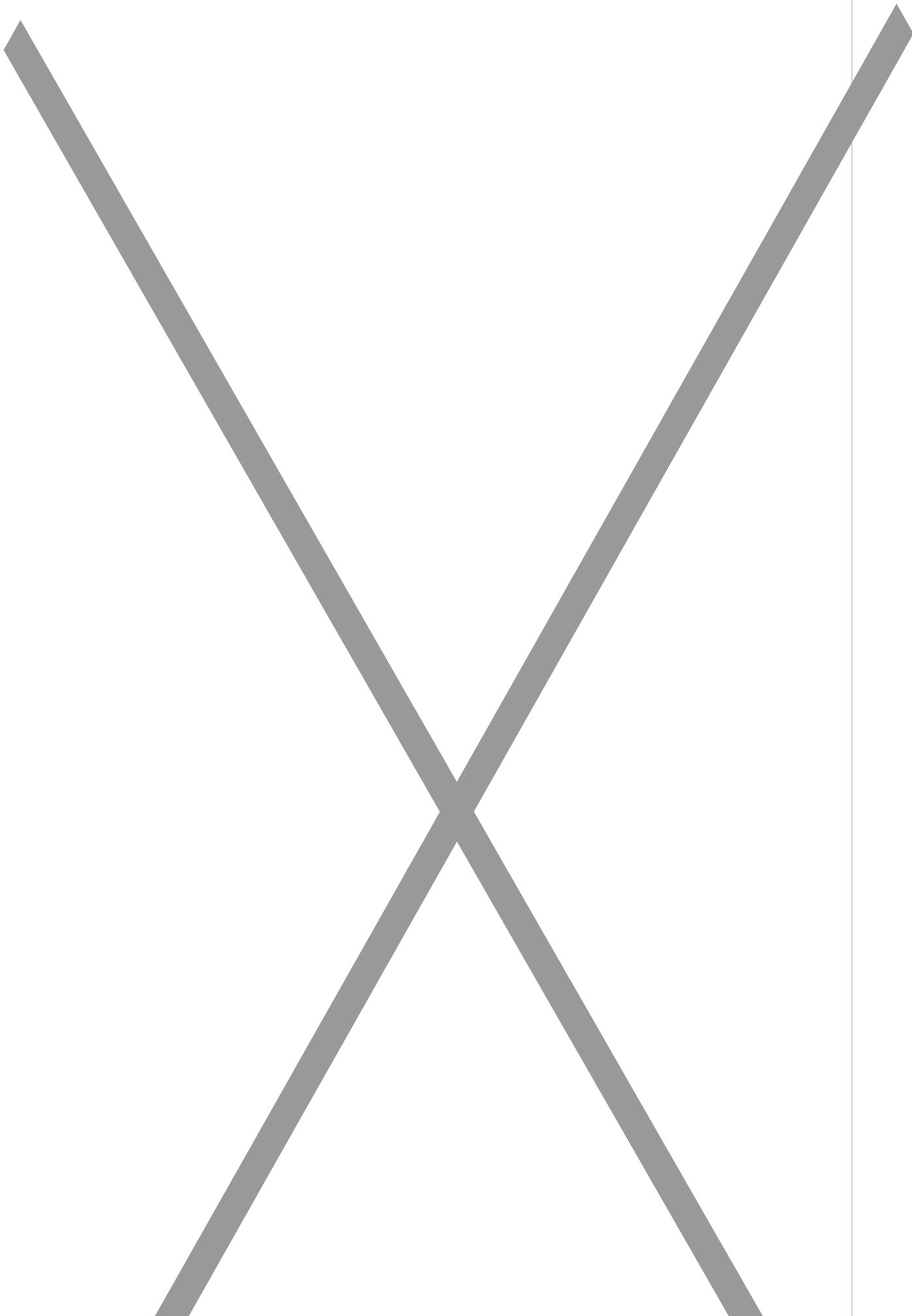
- **Established:** 1950 under Article 124
- **Location:** New Delhi
- **Jurisdiction:** Original, Appellate, Advisory
- **Judges:** Chief Justice + 33 other judges (as of 2025)
- **Role:** Guardian of the Constitution, highest appellate court, protector of Fundamental Rights
- **First CJI:** Justice H.J. Kania

Composition Initially:

- Chief Justice + 7 Judges
- As of 2024 (after latest amendment): CJI + 33 Judges Amendments Related to Strength

Amendment	Year	Change
SC (Number of Judges) Amendment Act	1956	Raised judges from 7 to 10
	1986	Raised from 17 to 26 judges
	2009	Raised to 31 judges, including the CJI
2019 (SC Judges Amendment Act)	2019	Increased sanctioned strength to 33 + CJI

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Appointment of Judges

- **Appointing Authority:** President of India
- **On the recommendation** of the National Judicial Appointments Commission (NJAC)
- **Process:** By warrant under the President's hand and seal

Ad Hoc Judges

- Appointed temporarily when the quorum of permanent judges is not met
- Their appointment ensures that judicial functioning is not disrupted.

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Tenure and Removal

Criteria	Details
Retirement Age	65 years
Resignation	By writing addressed to the President
Removal	Through the President's order following an address by both Houses of Parliament
Grounds	'Proved misbehaviour' or 'incapacity'
Majority Required	The majority of the total membership + at least 2/3 of the members present and voting

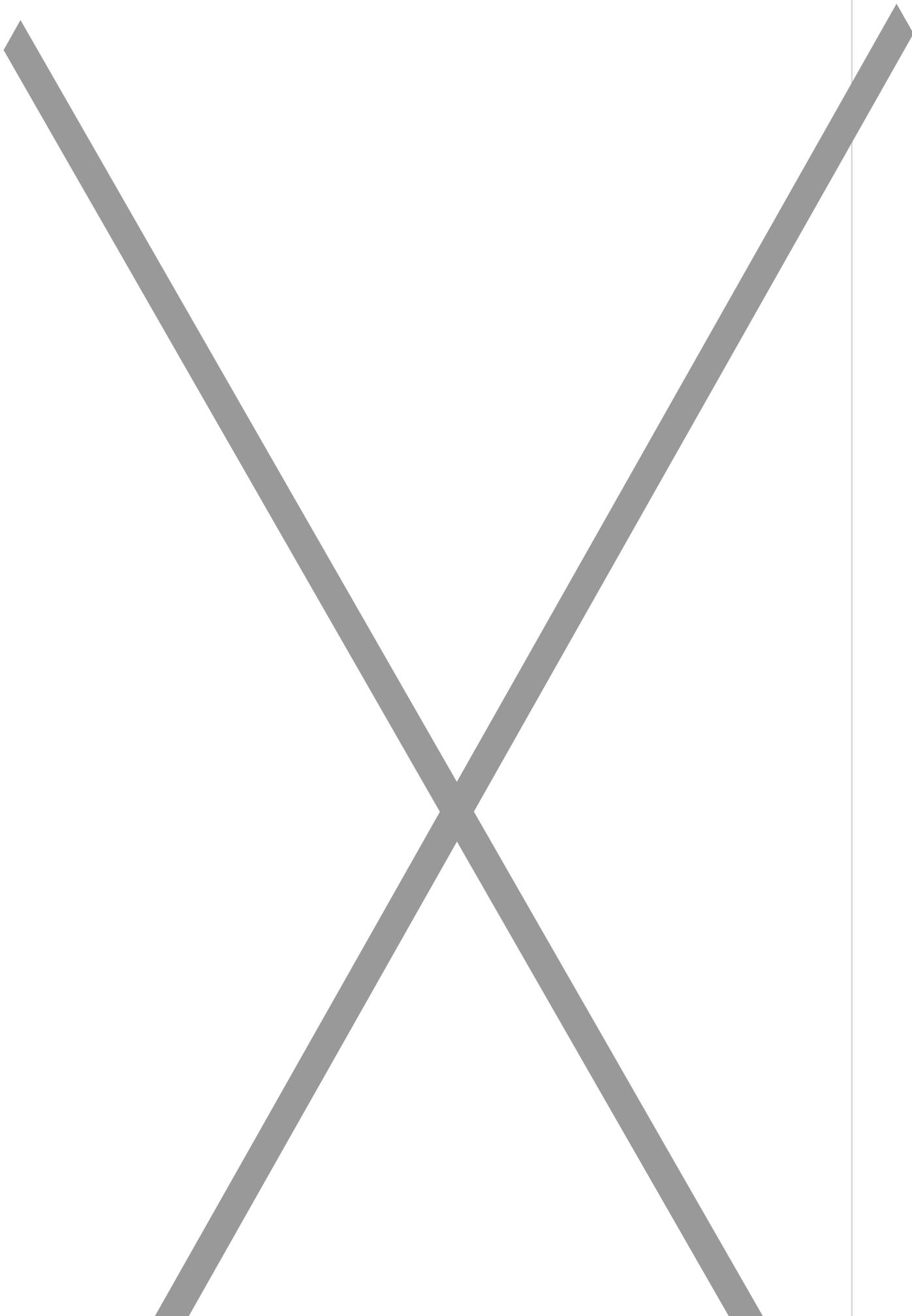
Qualifications for Appointment

A person must:

1. Be a citizen of India
2. Fulfil at least one of the following:
 - Be a distinguished jurist in the opinion of the President.
 - Have been a High Court Judge for at least 5 years
 - Have been an Advocate of the High Court for at least 10 years

2. High Courts

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High Courts represent the second tier in the Indian judicial system, functioning just below the Supreme Court. Each High Court is the highest court of law at the state or union territory level.

- **Total:** 25 High Courts

- **Territorial Jurisdiction:** One or more states/UTs

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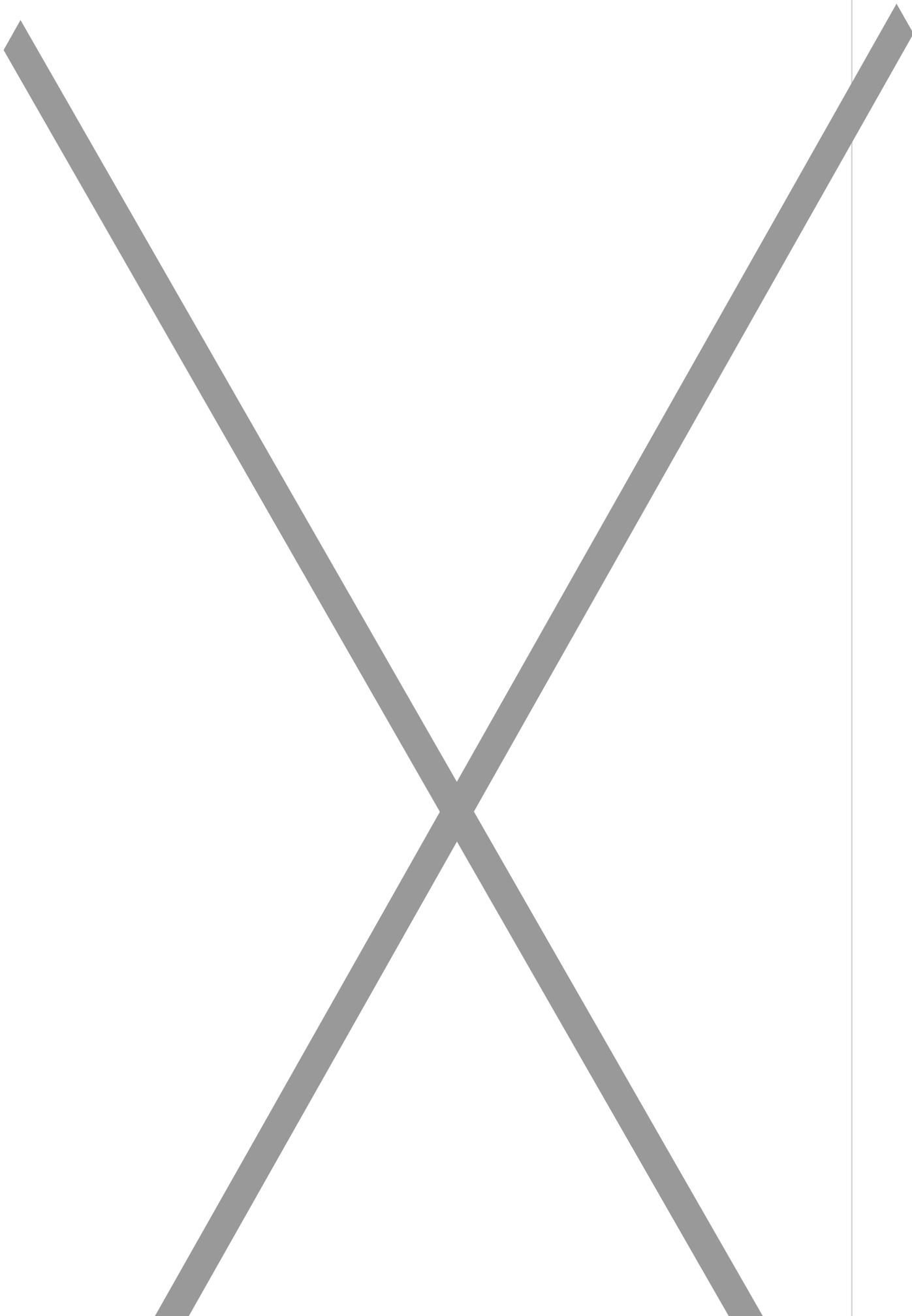


- **Article:** 214
- **Powers:** Original, Appellate, Writ Jurisdiction (under Article 226)
- **Appointments:** President, in consultation with CJI and Governor

Constitutional Basis

Provision	Article
Establishment	Article 214
Judge Appointment	Article 217
Additional/Acting Judges	Article 224
Writ Jurisdiction	Article 226

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Composition and Appointment

- There are 25 High Courts in India (some serve multiple states/UTs).
- Each High Court includes:

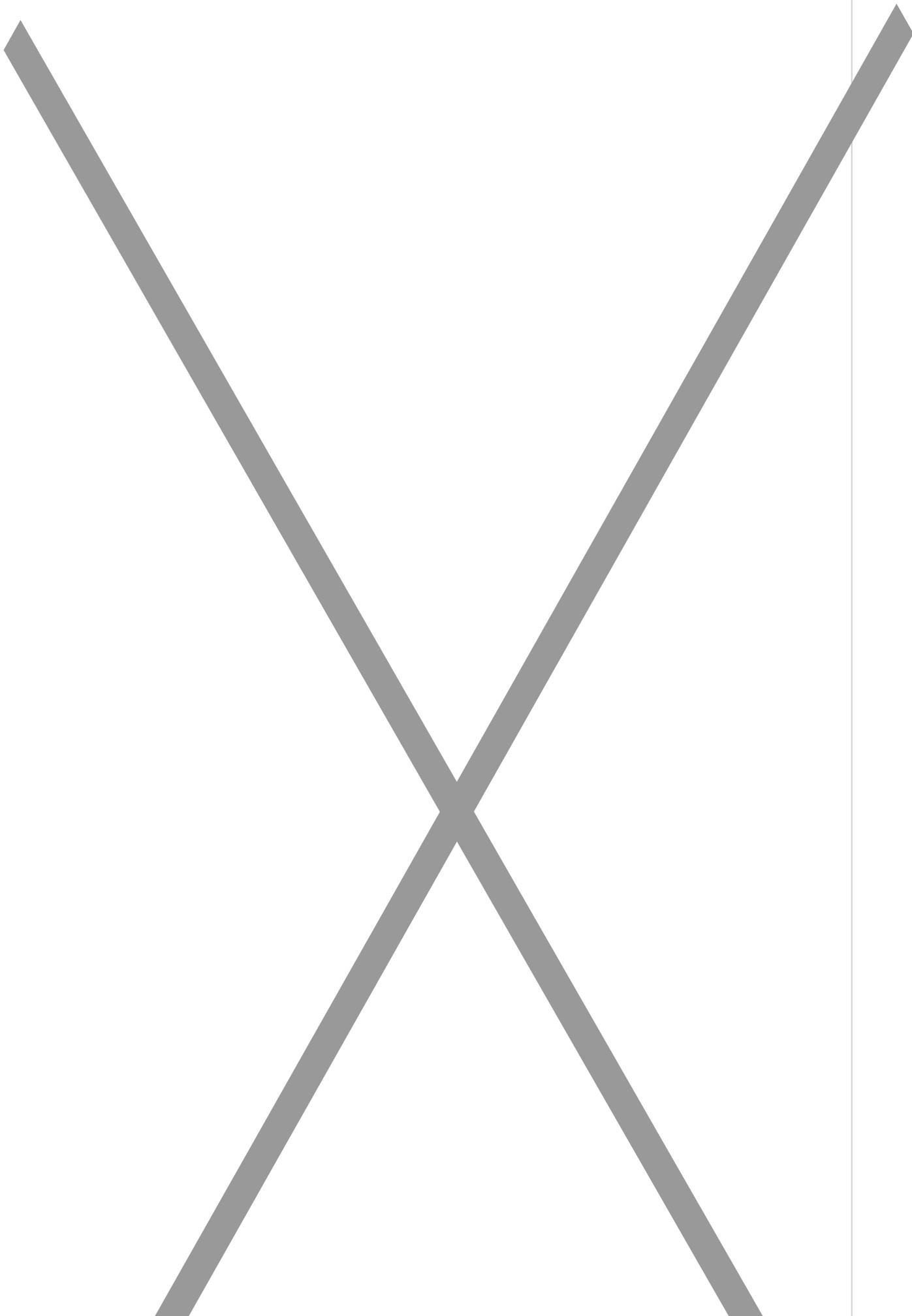
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- A Chief Justice
- Other Judges appointed by the President of India

Appointment Process

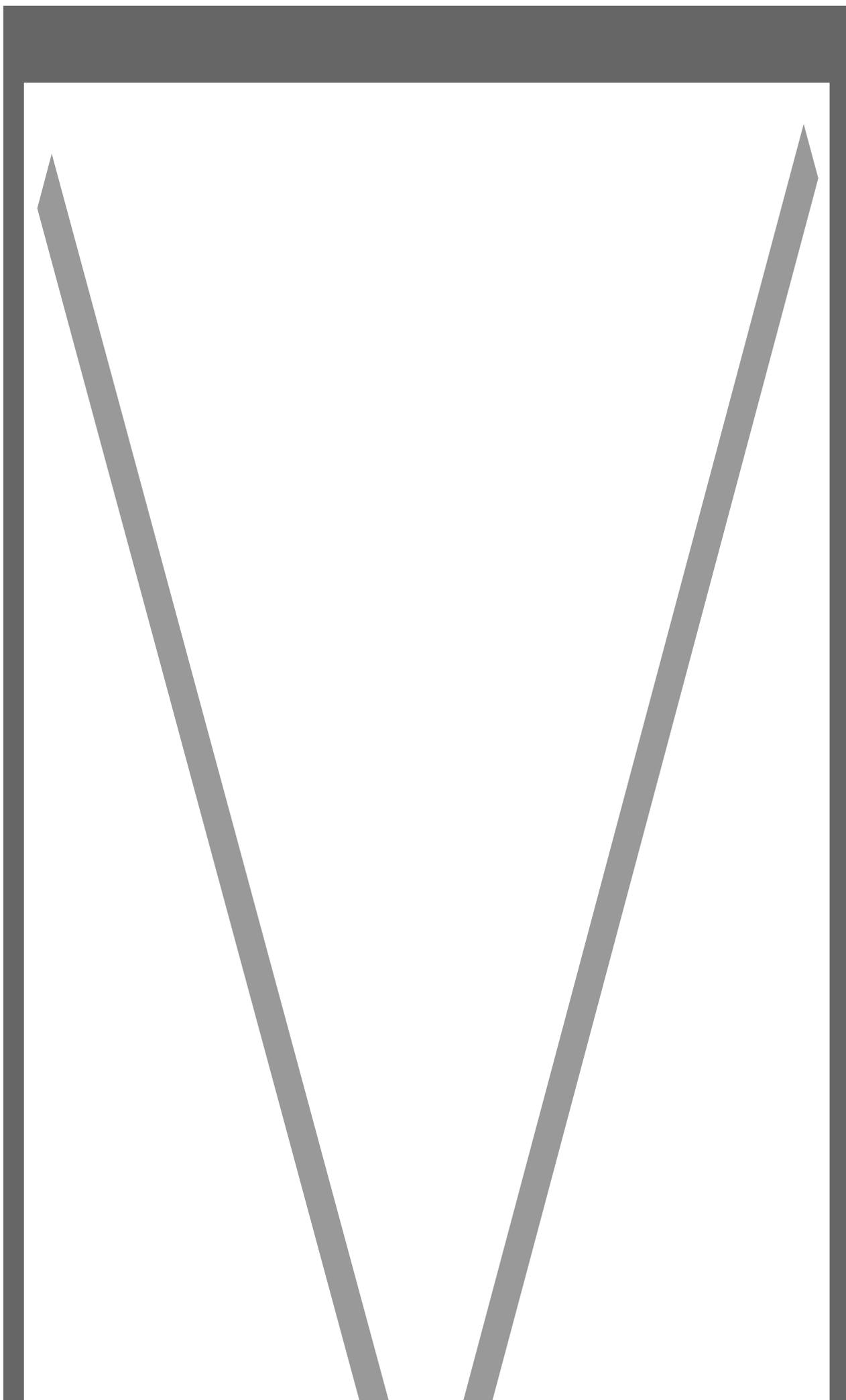
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Appointed By	On the Recommendation Of
President	National Judicial Appointments Commission (NJAC)
In consultation with	Chief Justice of India, Governor of the State, Chief Justice of the High Court

Tenure & Retirement

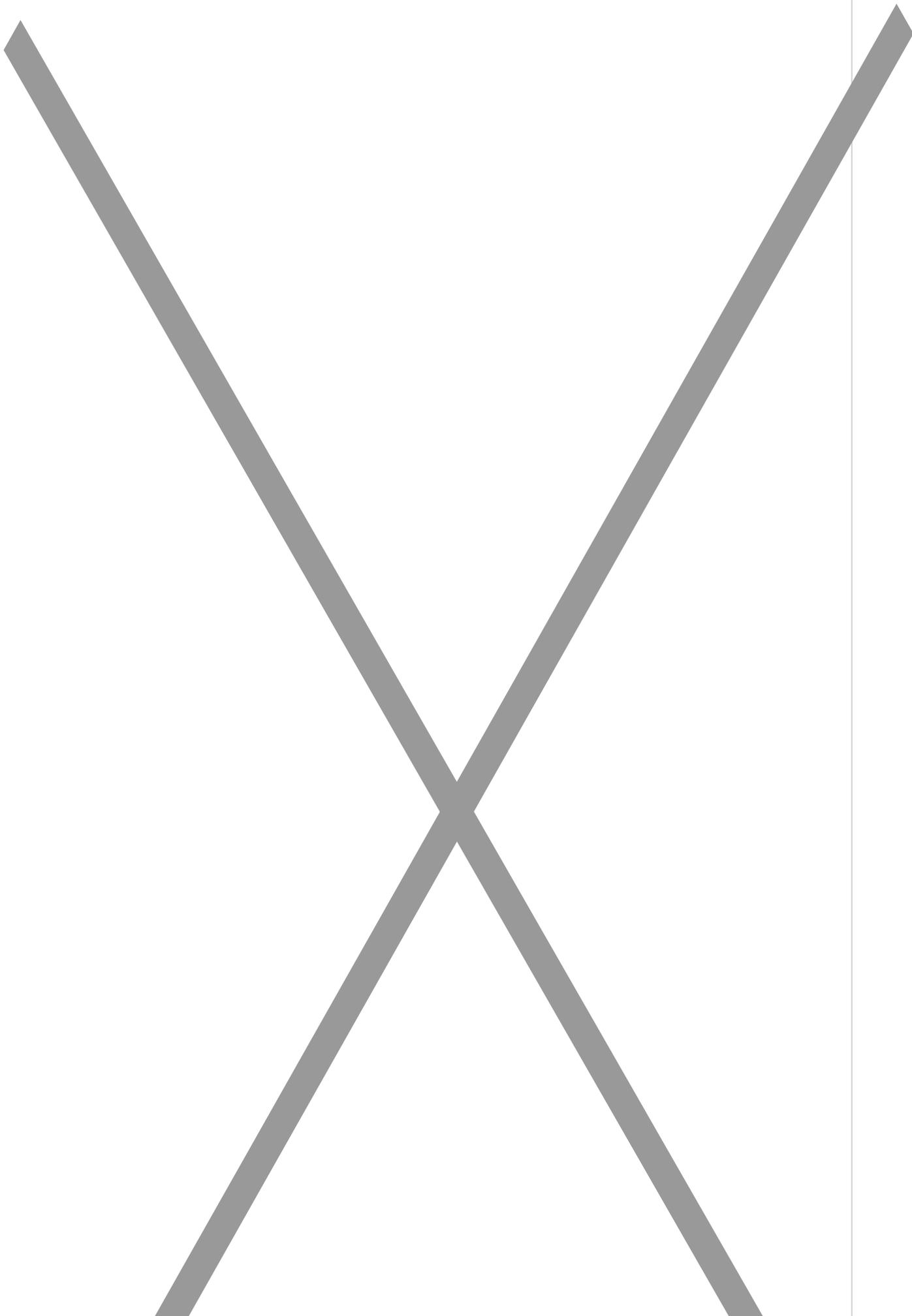
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Type of Judge	Tenure
Permanent Judge	Until age 62 years
Additional/Acting Judge	As provided under Article 224
Voluntary Resignation	Writing addressed to the President
Removal	As per Article 124(4) (same as SC Judge)
Vacancy	Transfer/Promotion to SC/another HC

Qualifications for Appointment

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A person must:

1. Be a citizen of India, and
2. Fulfil any one of the following:
 - Held judicial office in India for at least 10 years, or
 - Been an advocate of a High Court (or two in succession) for at least 10 years

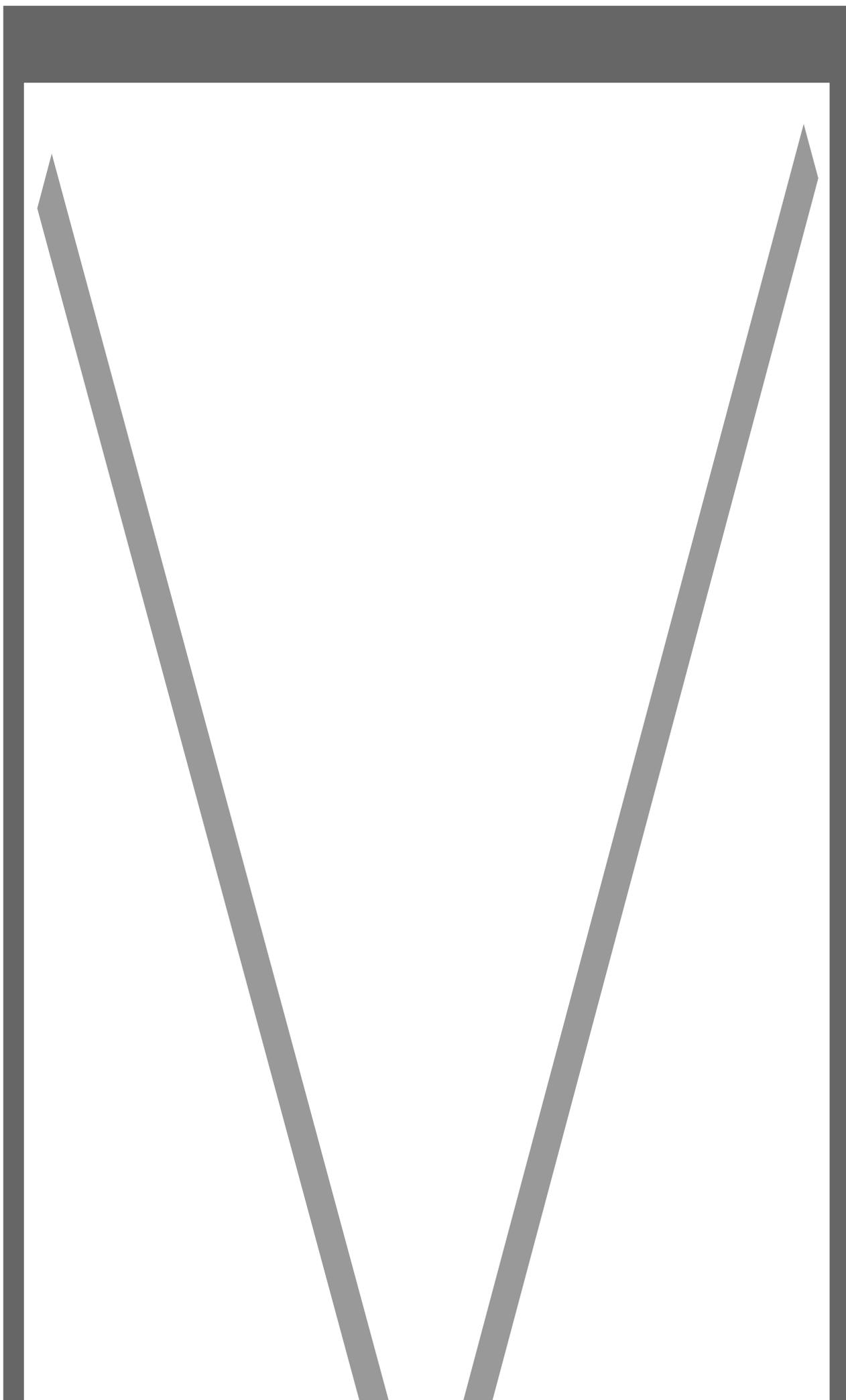
Jurisdiction of High Courts

1. Original Jurisdiction

- In civil and criminal cases, when subordinate courts lack authority due to pecuniary or territorial limitations
- In specific matters under State/Federal law (e.g., Company Law)

2. Writ Jurisdiction

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- Under Article 226, for:
 - Enforcement of Fundamental Rights
 - Other legal rights
- Wider in scope than Article 32 (Supreme Court)

3. Appellate Jurisdiction

- Appeals from District & Subordinate Courts

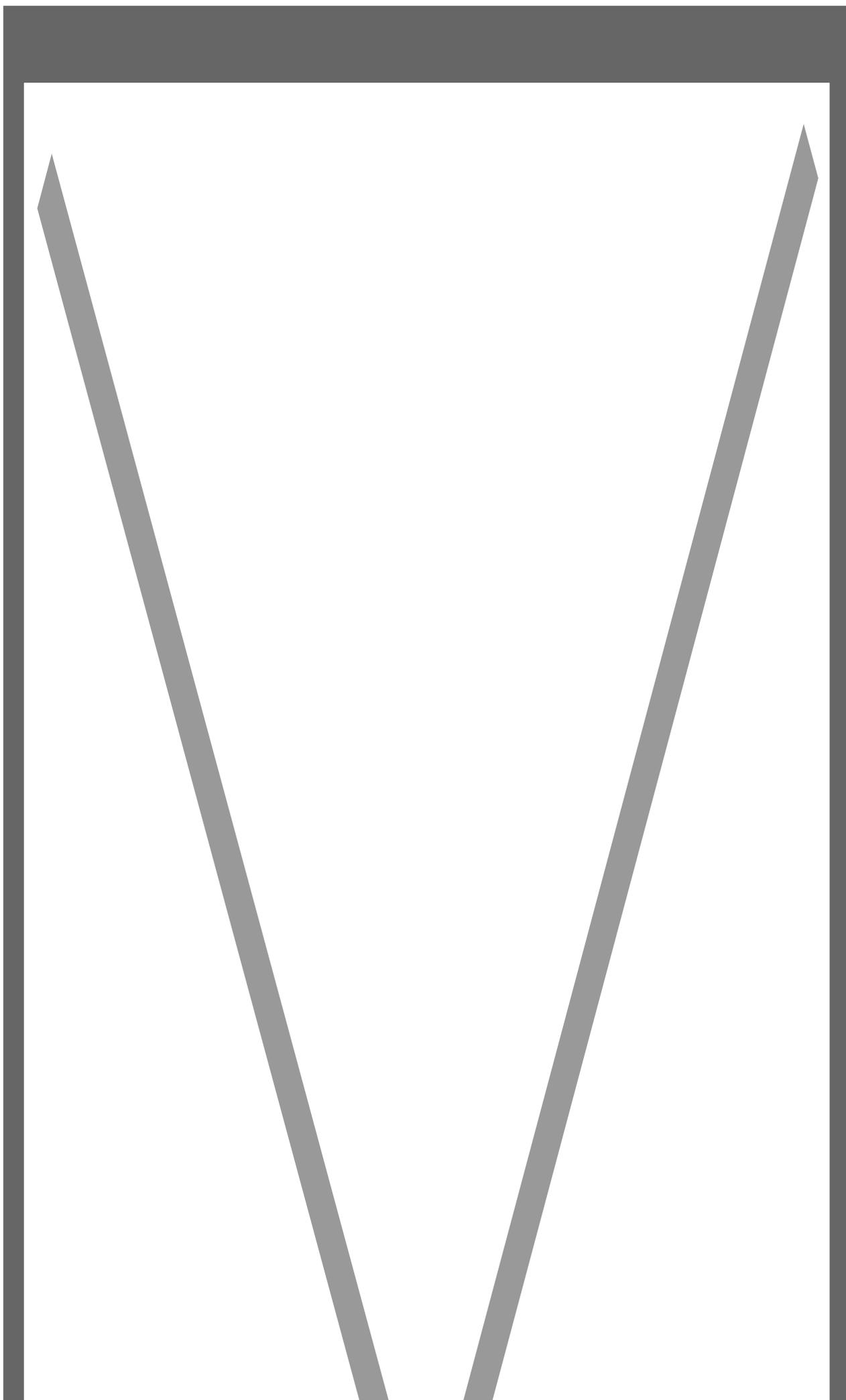
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Territorial Jurisdiction

- Varies from state to state
- Some High Courts serve multiple states/UTs
- Jurisdiction is defined by the Union Parliament or respective State Laws

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Year	High Court Name	Territorial Jurisdiction	Seat & Bench Locations
1862	Bombay	Maharashtra, Goa, Dadra & Nagar Haveli, Daman & Diu	Seat: Mumbai; Benches: Panaji, Aurangabad, Nagpur
1862	Calcutta	West Bengal, Andaman & Nicobar Islands	Seat: Kolkata; Bench: Port Blair
1862	Madras	Tamil Nadu, Puducherry	Seat: Chennai; Bench: Madurai
1866	Allahabad	Uttar Pradesh	Seat: Allahabad; Bench: Lucknow
1884	Karnataka	Karnataka	Seat: Bengaluru; Benches: Dharwad, Gulbarga
1916	Patna	Bihar	Seat: Patna
1948	Guwahati	Assam, Nagaland, Mizoram, Arunachal Pradesh	Seat: Guwahati; Benches: Kohima, Aizawl, Itanagar
1949	Odisha	Odisha	Seat: Cuttack
1949	Rajasthan	Rajasthan	Seat: Jodhpur; Bench: Jaipur
1956	Madhya Pradesh	Madhya Pradesh	Seat: Jabalpur; Benches: Gwalior, Indore
1958	Kerala	Kerala, Lakshadweep	Seat: Ernakulam
1960	Gujarat	Gujarat	Seat: Ahmedabad
1966	Delhi	National Capital Territory of Delhi	Seat: New Delhi
1971	Himachal Pradesh	Himachal Pradesh	Seat: Shimla
1975	Punjab & Haryana	Punjab, Haryana, Union Territory of Chandigarh	Seat: Chandigarh

1975	Sikkim	Sikkim	Seat: Gangtok
2000	Chhattisgarh	Chhattisgarh	Seat: Bilaspur
2000	Uttarakhand	Uttarakhand	Seat: Nainital
2000	Jharkhand	Jharkhand	Seat: Ranchi
2013	Tripura	Tripura	Seat: Agartala
2013	Manipur	Manipur	Seat: Imphal
2013	Meghalaya	Meghalaya	Seat: Shillong
2019	Telangana	Telangana	Seat: Hyderabad
2019	Andhra Pradesh	Andhra Pradesh	Seat: Amravati
2019	Jammu & Kashmir and Ladakh	Union Territories of Jammu & Kashmir, and Ladakh	Common HC; Seat: Jammu and Srinagar

Judge Strength Calculation

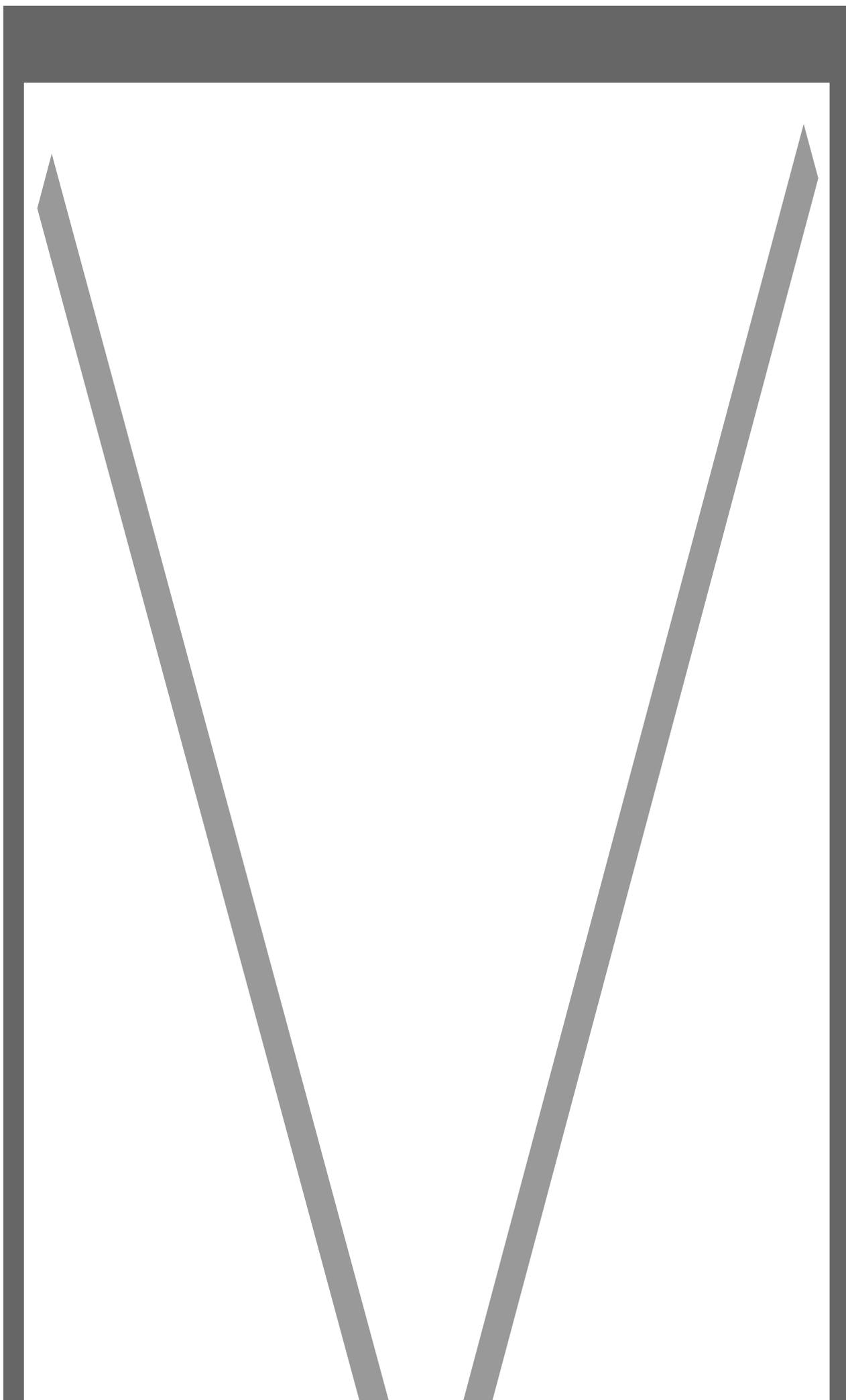
Criteria	Description
Case Load Method	Avg.. main cases in past 5 years ÷ national avg./disposal rate
Calcutta High Court	Oldest (Established July 2, 1862)
Allahabad High Court	Largest (Sanctioned strength of 160 judges)

Table: High Courts at a Glance

Feature	Description
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Total Number	25
Highest Strength	Allahabad HC - 160 Judges
Oldest HC	Calcutta High Court - Est. 1862
Retirement Age	62 years
Main Writ Power	Article 226
Appointment Authority	President of India
Consulted Authorities	CJI, Governor, Chief Justice of HC
Qualification Criteria	Judicial Office/Advocate (10 yrs)

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Committee on Retirement Age of Judges

The retirement age for judges is a debated issue in India:

- SC Judges: Retire at 65 years (Article 124(2)).
- HC Judges: Retire at 62 years (Article 217(1)).

Reforms Proposed:

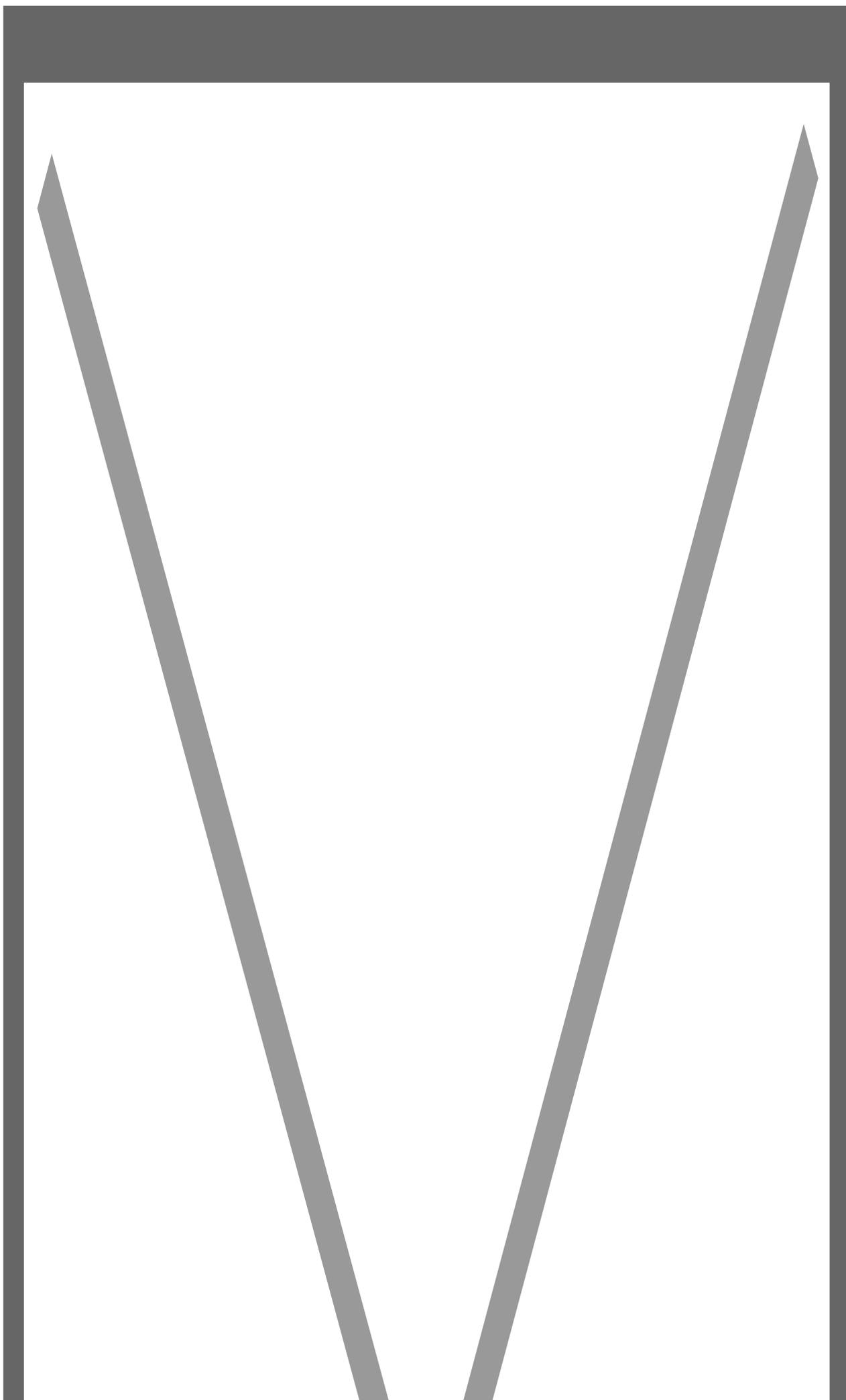
- The Venkatachaliah Committee (2000) recommended increasing the SC judges' retirement age to 68.
- The 114th Constitutional Amendment Bill (2010) sought to raise HC judges' age to 65, but it remains pending.

Global Comparisons:

- US Supreme Court: Life tenure.
- UK Supreme Court: Retirement at 75.
- Canada: Judges retire at 75.

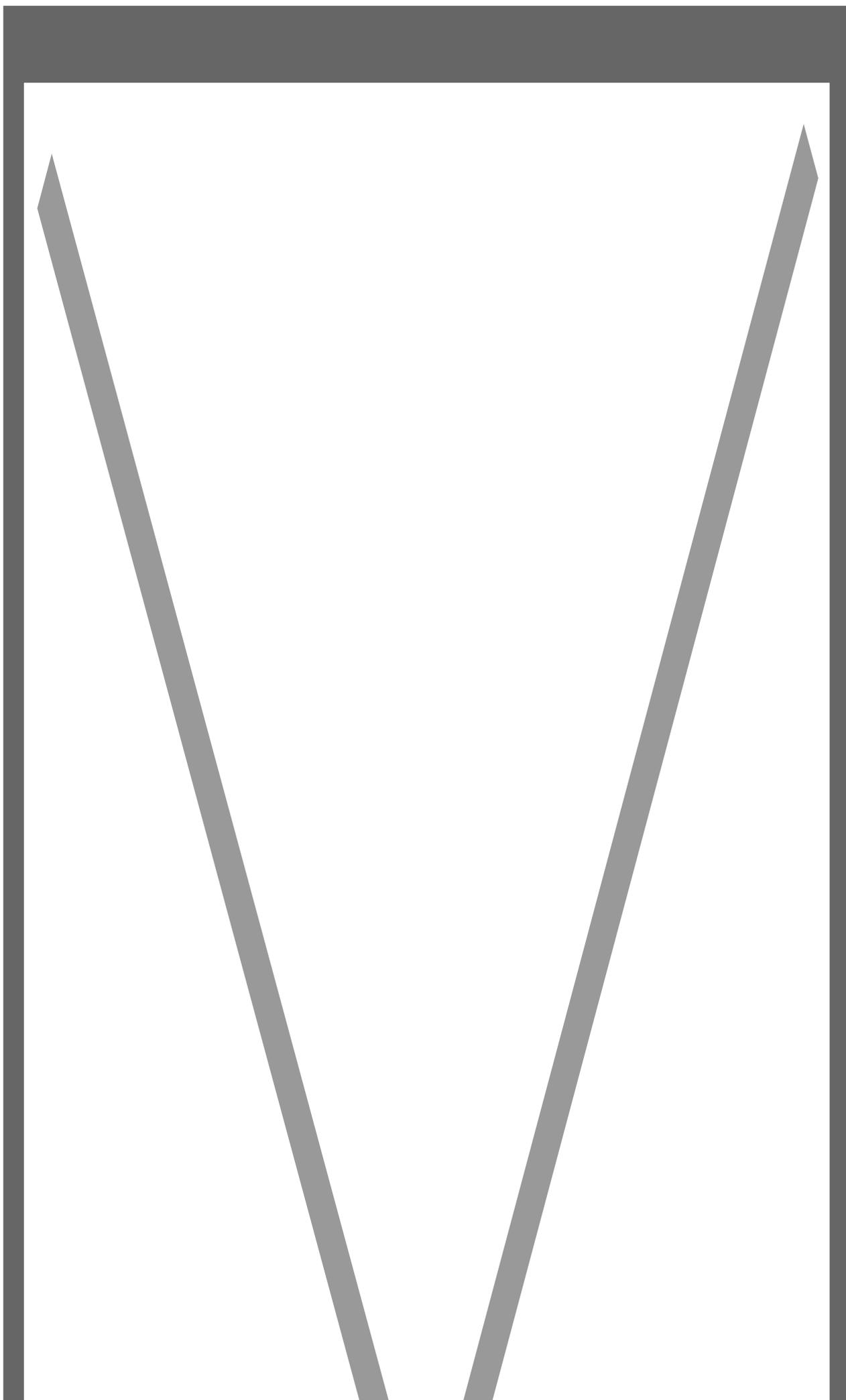
Critics argue that extending judicial tenure could reduce vacancies and retain experienced judges, while opponents fear it may lead to complacency.

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Removal of Judges: Impeachment Process

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Under Articles 124 (4) and 217 (1) (b), judges of the Supreme Court and High Courts can be removed only through impeachment.

Grounds for Removal:

- Proven misbehaviour (e.g. corruption)
- Incapacity (mental/physical inability to perform duties)

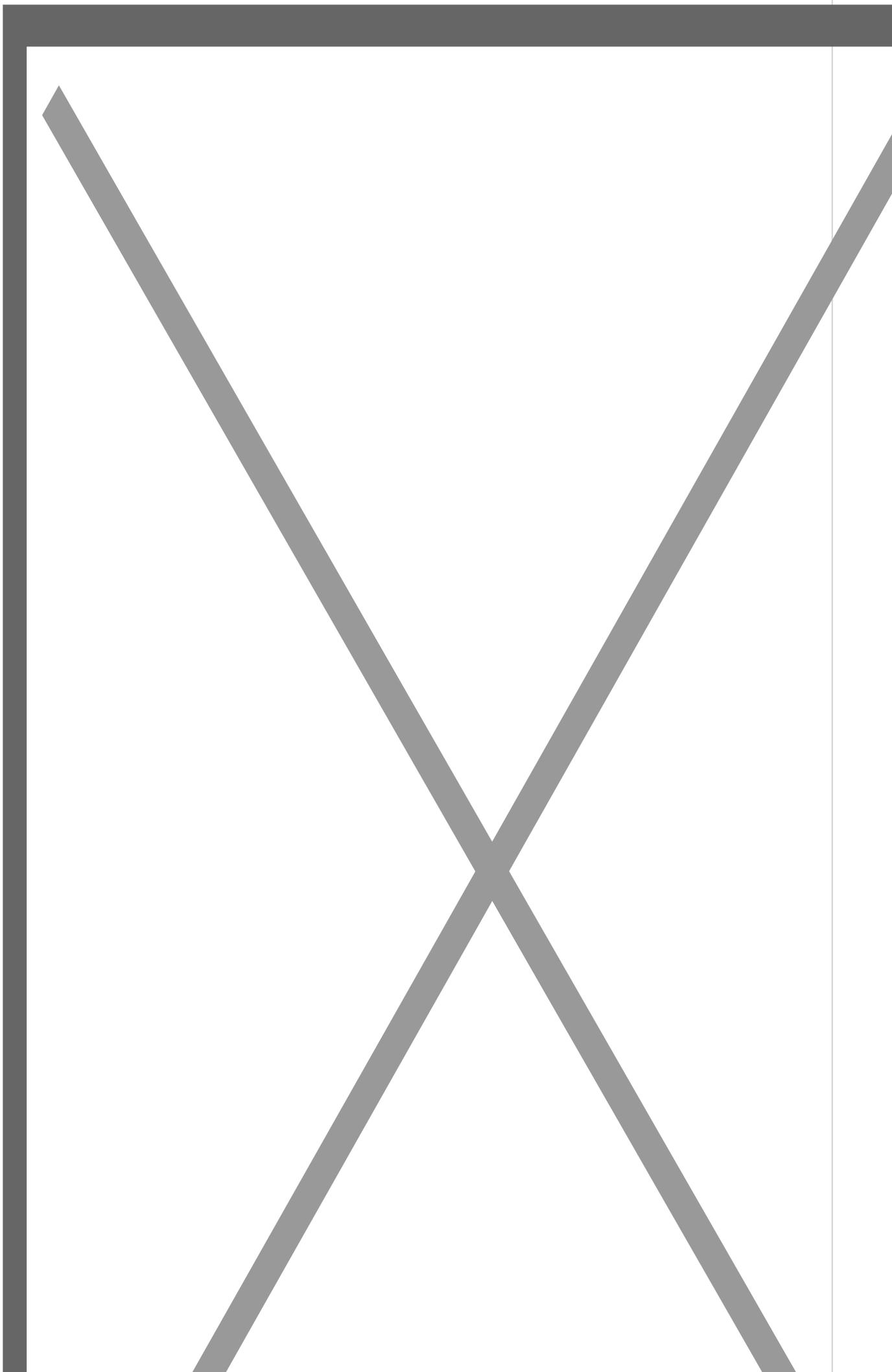
Procedure:

- **Judicial Inquiry:** A committee investigates (under the Judges Inquiry Act, 1968).
- **Parliamentary Approval:** Requires a 2/3 majority in both Houses.

Notable Cases:

- **Justice Soumitra Sen (2011):** The Rajya Sabha approved his impeachment for misappropriation of funds, but he resigned before the Lok Sabha vote, avoiding formal removal."

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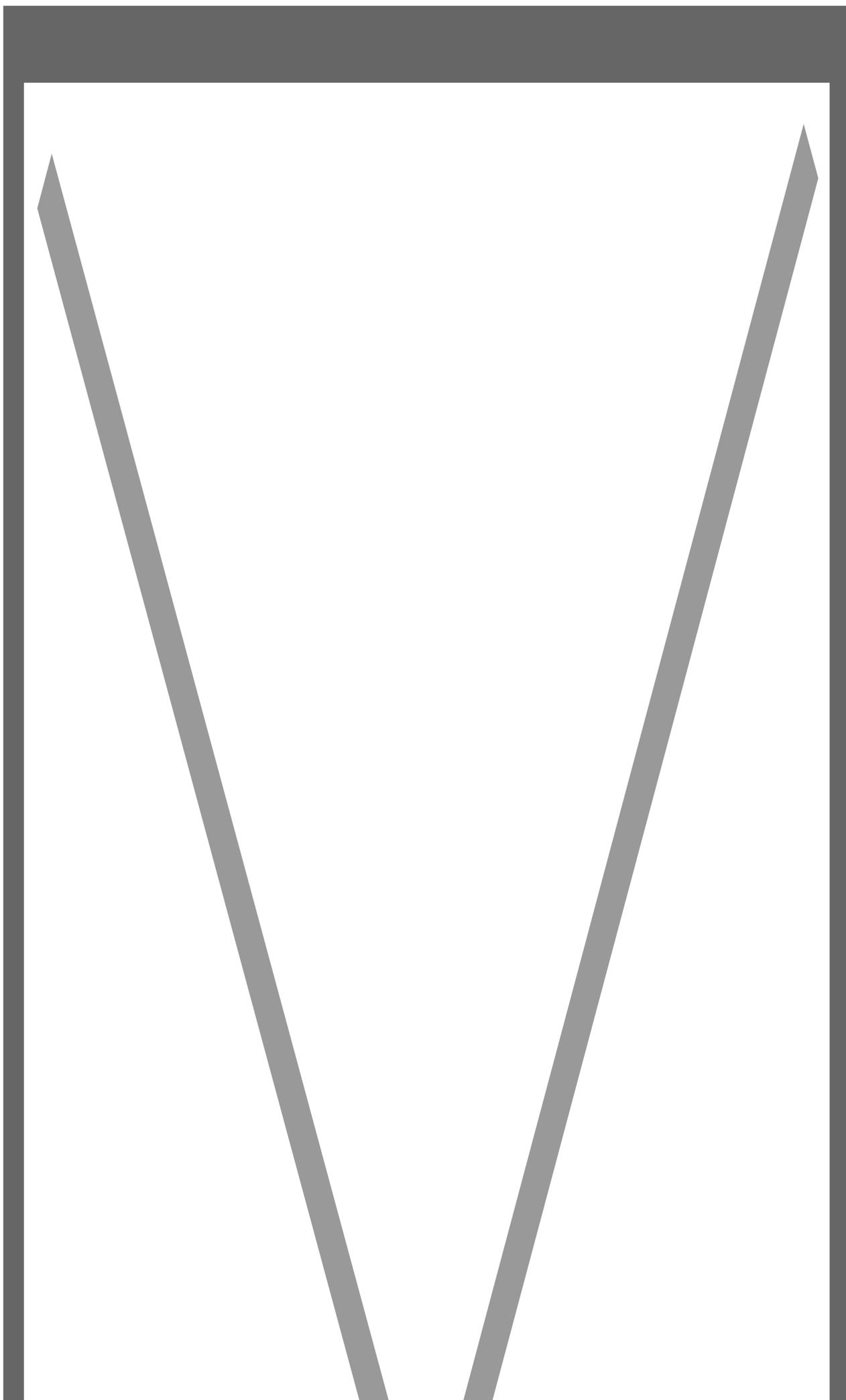


- **Justice V. Ramaswami (1991):** Impeachment failed due to a lack of parliamentary votes.

For subordinate judges, removal is simpler, the state governments can dismiss them in consultation with the High Court.

3. Subordinate Judiciary

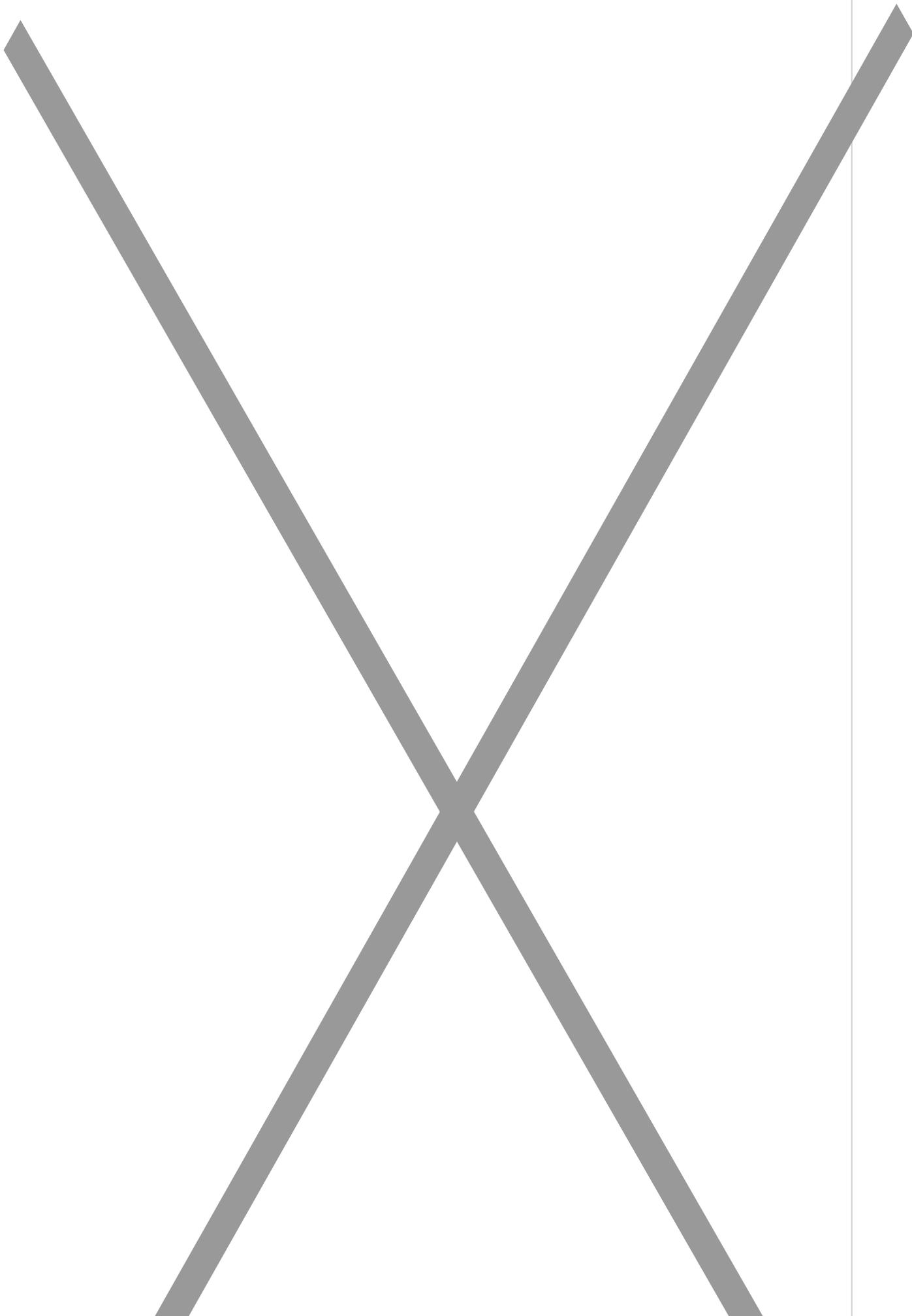
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Subordinate courts form the third tier of the Indian judiciary, functioning under the High Courts. They handle most civil, criminal, and revenue cases at the district and local levels.

a. District & Sessions Courts

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- **Civil and Criminal Jurisdiction**

- **District Judge:** Head of civil jurisdiction

- **Sessions Judge:** Deals with criminal matters

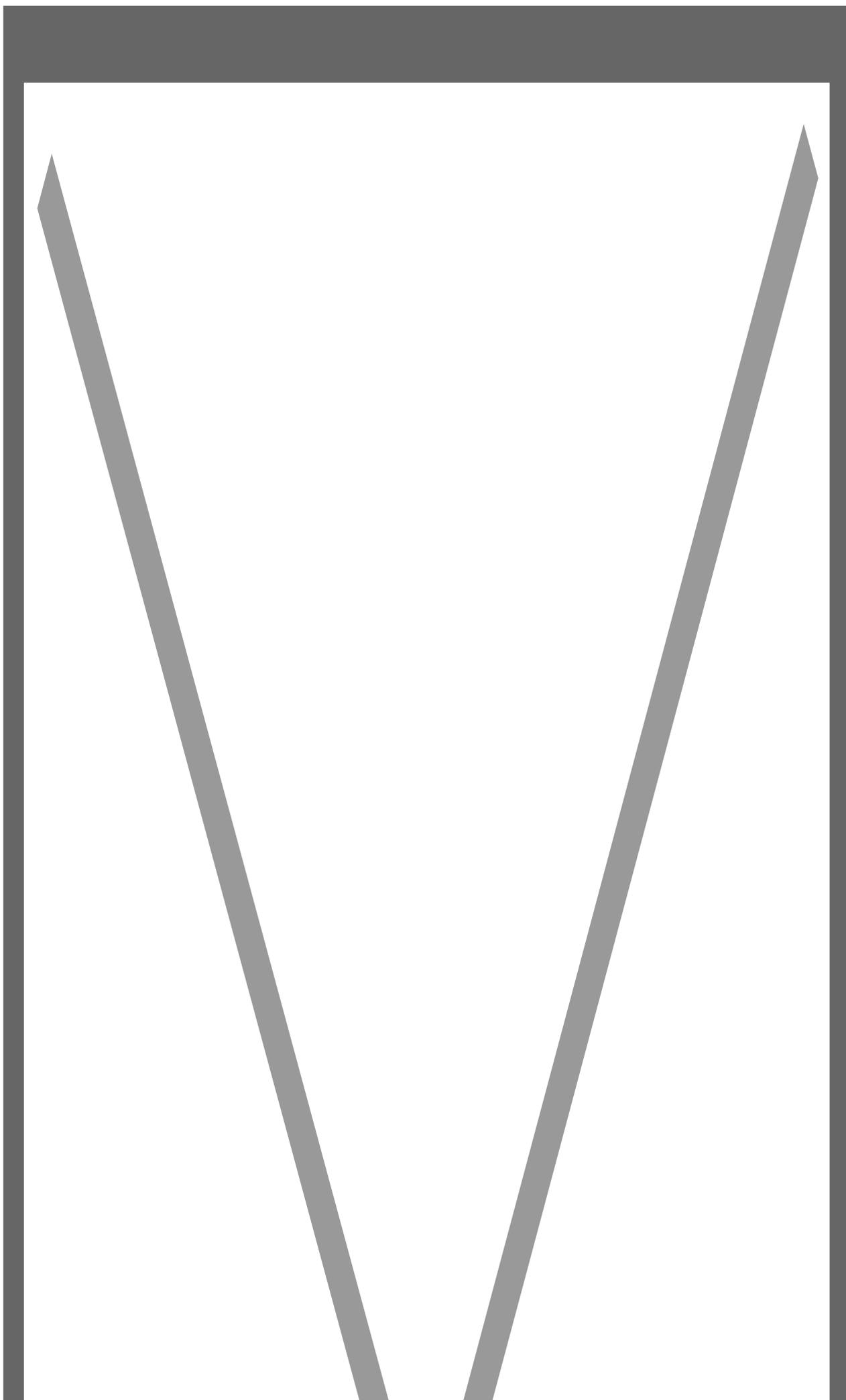
b. Lower Civil Courts

- Civil Judge (Junior/Senior Division)

- Handles property, family and contract disputes below a specific monetary value

c. Lower Criminal Courts

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- Chief Judicial Magistrate (CJM) / Judicial Magistrate
- Handles cases involving lesser punishments

Constitutional & Legal Basis

- Governed by: State Legislatures (laws enacted by States)
- Administrative Control: Respective High Courts

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- **Code of Procedure:**

- Civil matters: Civil Procedure Code (CPC)
- Criminal matters: Criminal Procedure Code (CrPC) and Indian Penal Code (IPC)

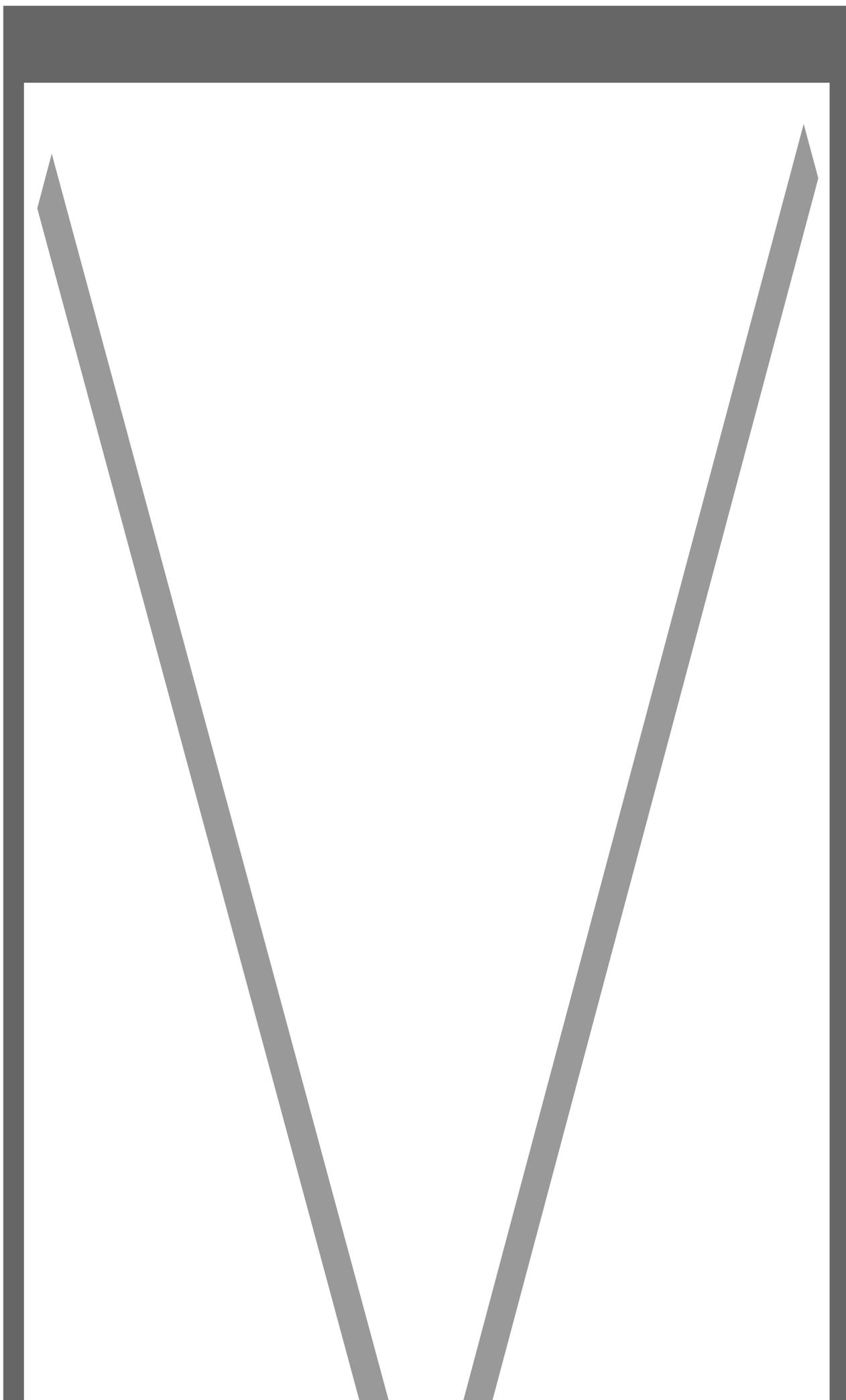
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- Revenue matters: Land Revenue Acts of respective States

Types of Subordinate Courts

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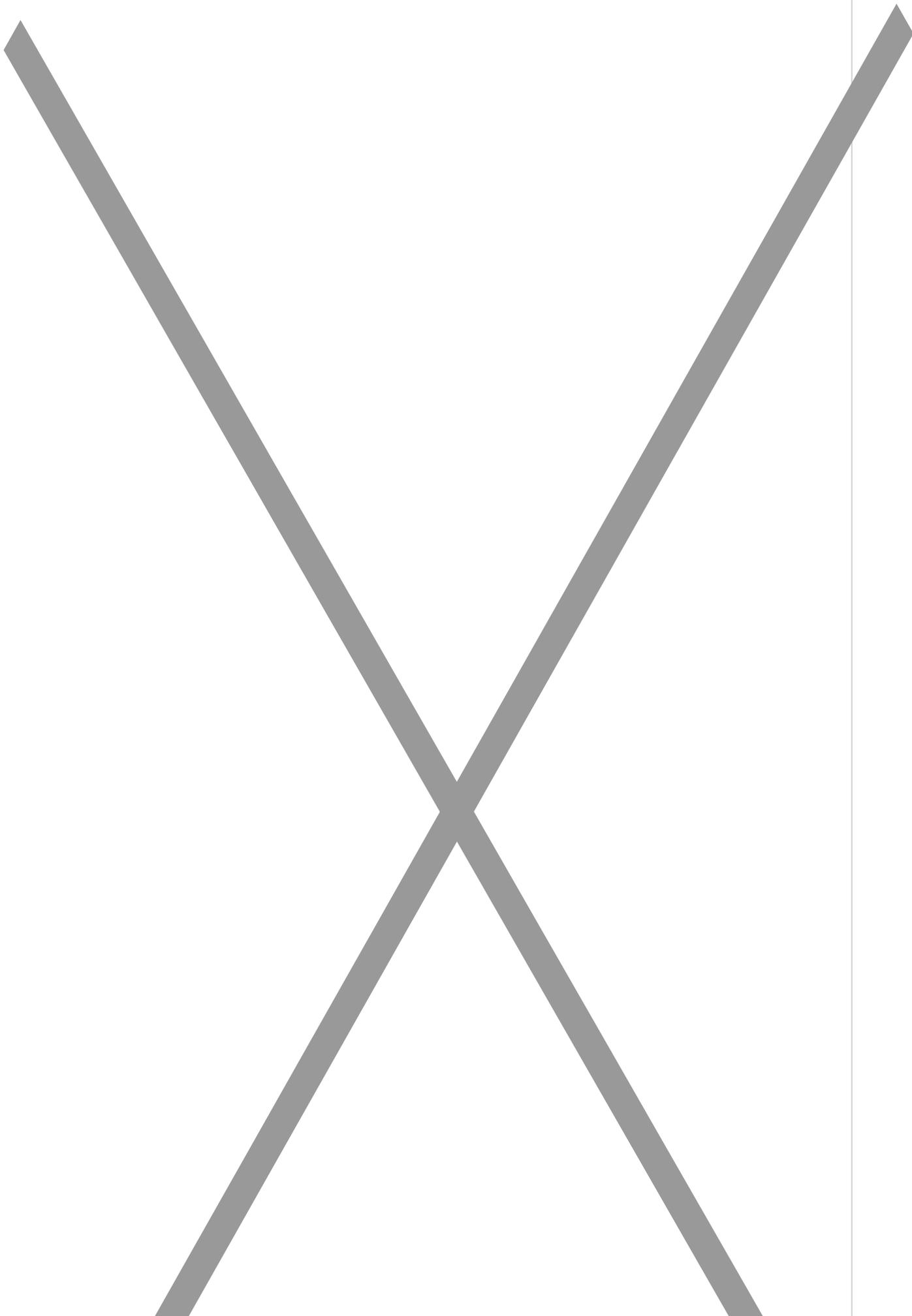


1. Civil Courts

Feature	Details
Jurisdiction	Disputes related to property, contracts, succession, divorce, etc.
Code Followed	Civil Procedure Code (CPC)
Types	Munsiff Court, Civil Judge (Junior/Senior Division), District Judge
Nature of Judgments	No punishment; settlement of disputes and granting of relief

Example Cases: Landlord-tenant issues, property disputes, defamation (civil), inheritance issues

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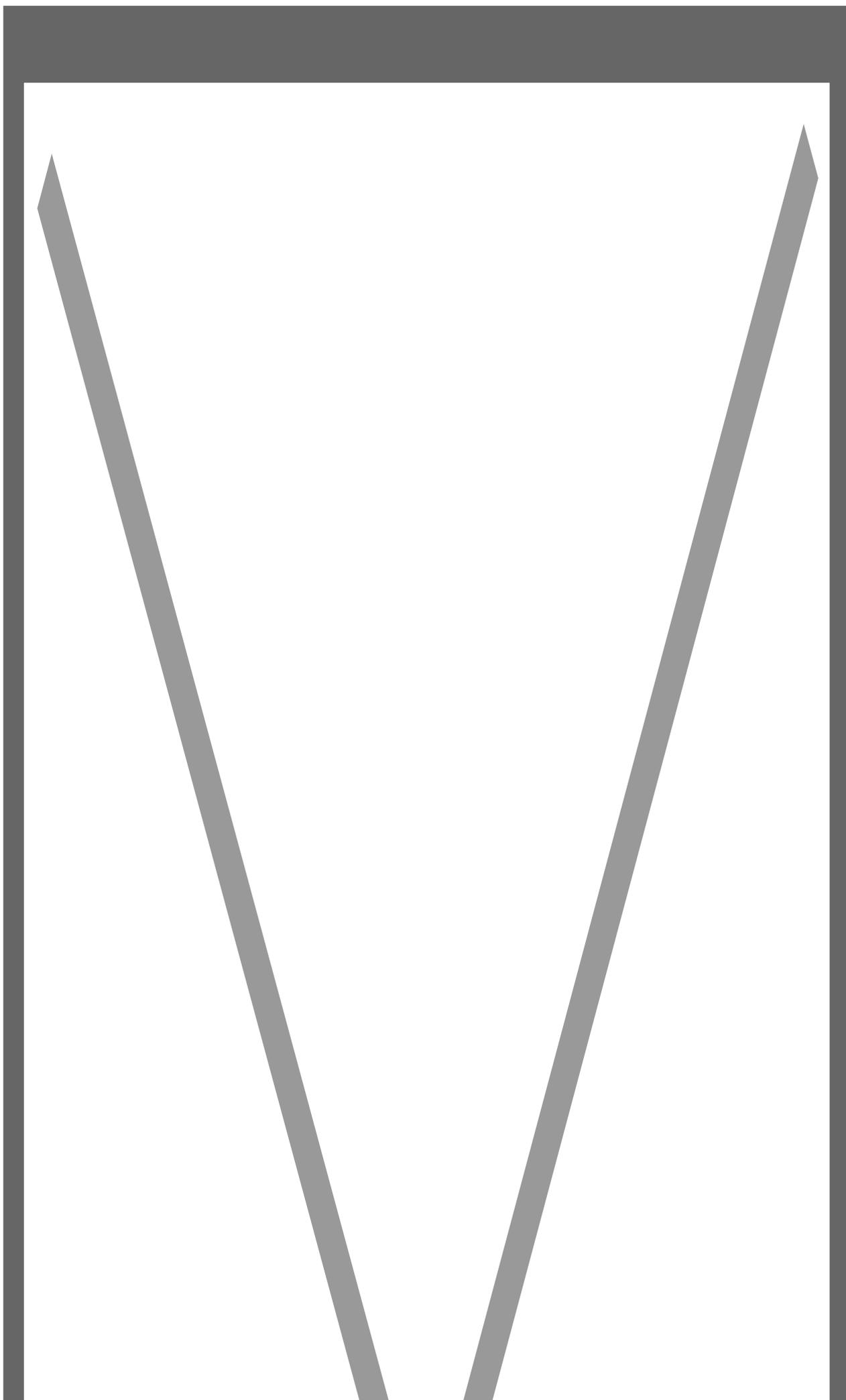


1. Criminal Courts

Feature	Details
Jurisdiction	Cases involving criminal offences like theft, assault, murder, etc.
Code Followed	Criminal Procedure Code (CrPC) & Indian Penal Code (IPC)
Types	Judicial Magistrate (Second/First Class), Chief Judicial Magistrate (CJM), Sessions Judge
Punishment Type	Imprisonment, fine, life sentence, or death penalty (in rare cases)

Example Cases: Murder, rape, burglary, rioting, kidnapping

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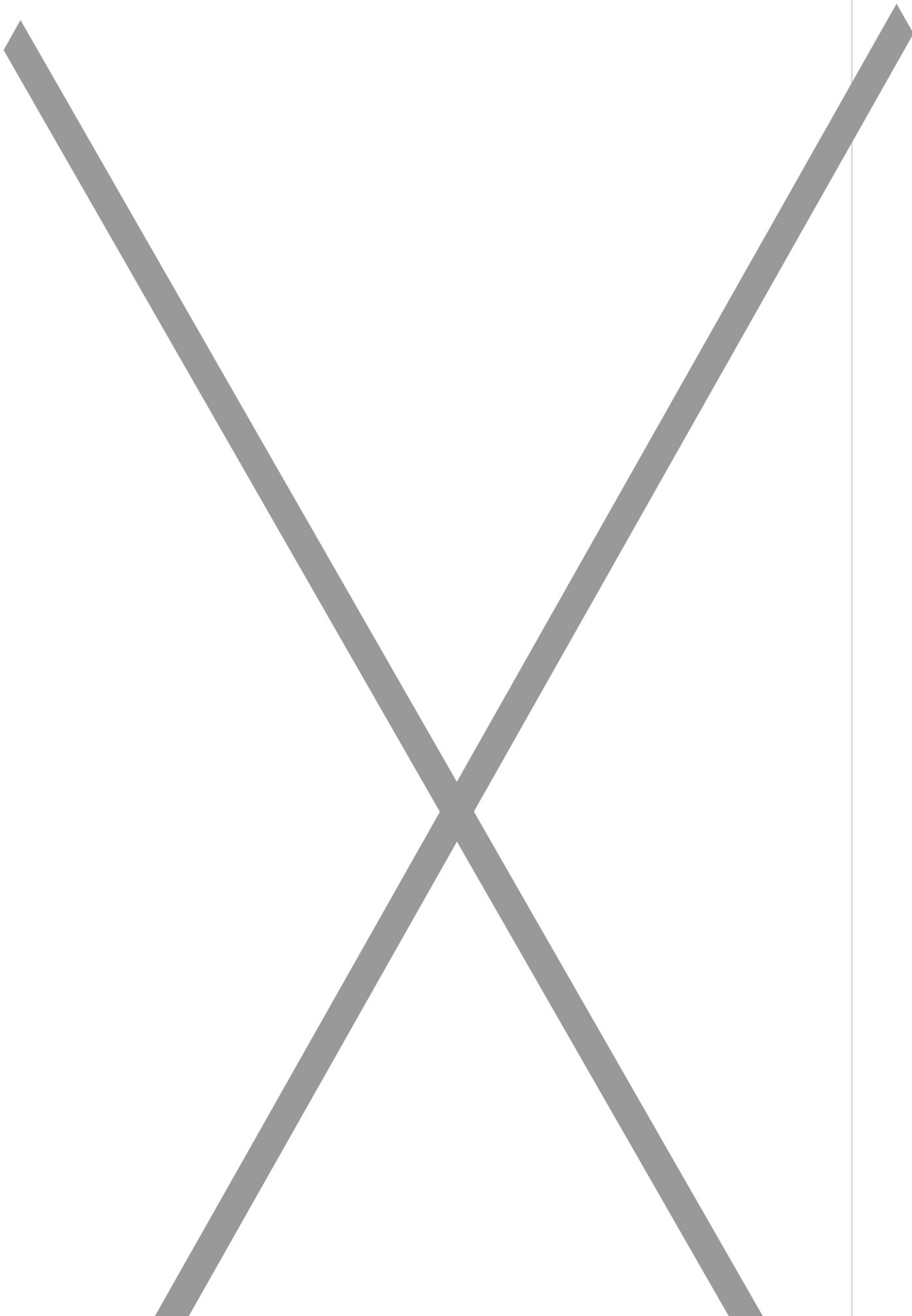


1. Revenue Courts

Feature	Details
Jurisdiction	Disputes related to land revenue, tenancy rights, and ownership of agricultural land
Highest Court	Board of Revenue (in the state)
Subordinate Authorities	Commissioners → Collectors → Tehsildars → Assistant Tehsildars
Appeal Mechanism	Appeals from lower revenue courts go up to the Board of Revenue

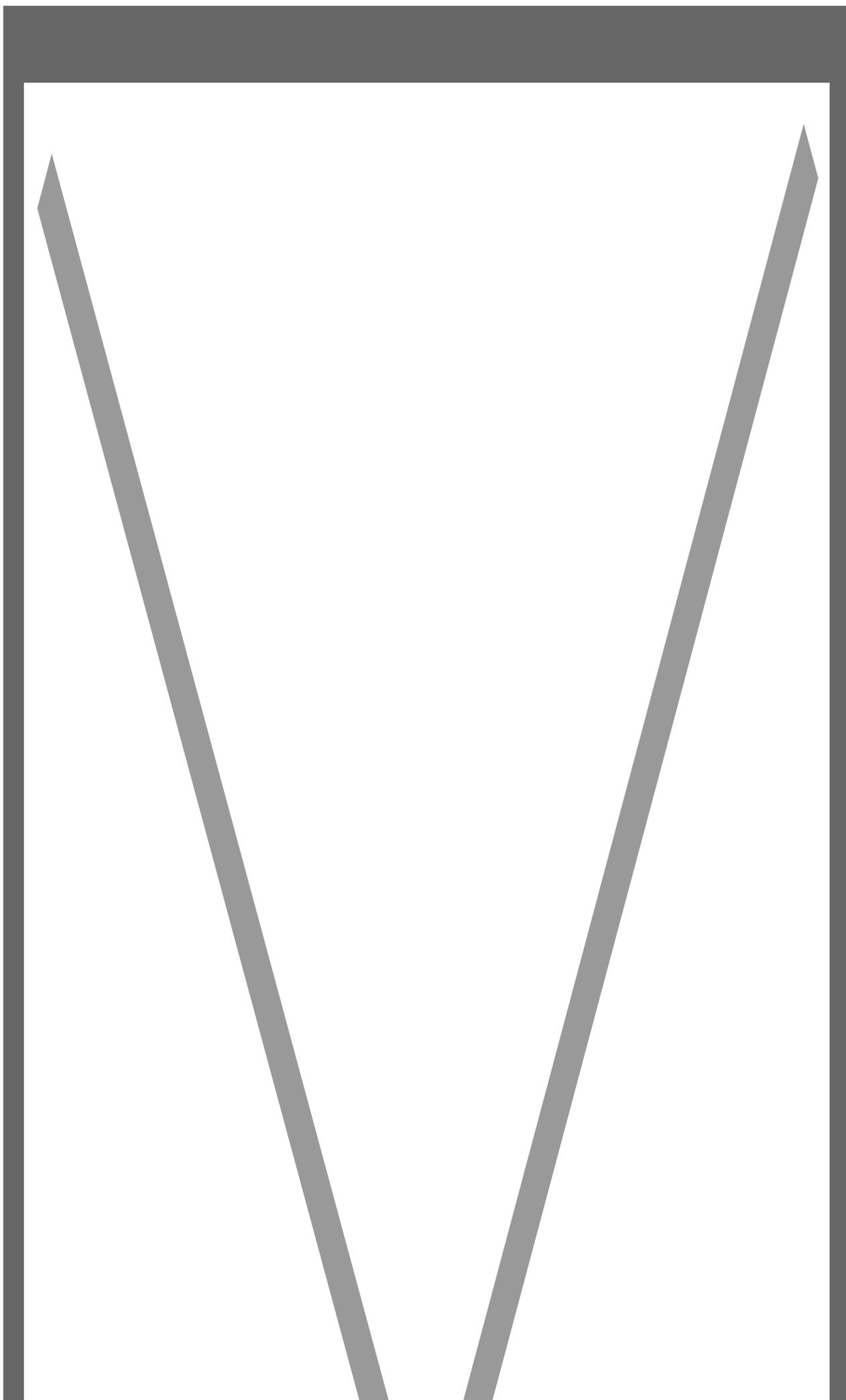
Example Cases: Land demarcation, crop-sharing disputes, land tax, mutation cases

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District Courts

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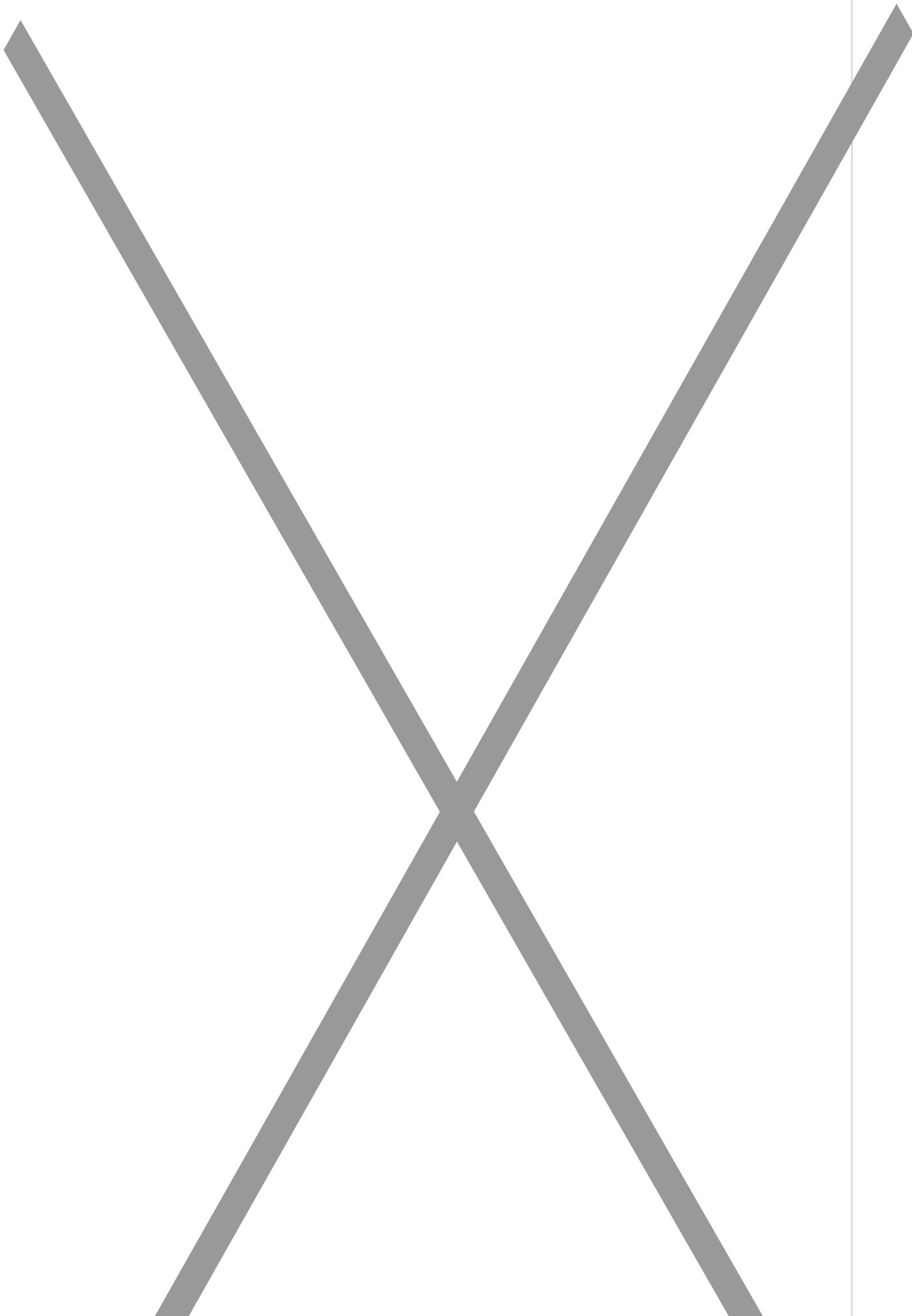
- Each district has a District Court (also called Sessions Court when dealing with criminal cases).
- Presided over by the District & Sessions Judge.
- Functions as the Appellate Court for:
 - Civil appeals from subordinate civil courts
 - Criminal appeals from magistrate courts

Table: Comparison of Judiciary Levels

Court Level	Headed By	Jurisdiction Type	Constitutional Articles
Supreme Court	Chief Justice of India	Original, Appellate, Advisory	Articles 124-147
High Court	Chief Justice of the HC	Original, Appellate, Writ	Articles 214-231
District Court	District/Sessions Judge	Civil and Criminal	State Legislature Acts
Subordinate Courts	Civil Judge/Magistrate	Specific civil/criminal matters	CrPC, CPC, Family Acts, etc.

Civil Law vs Criminal Law

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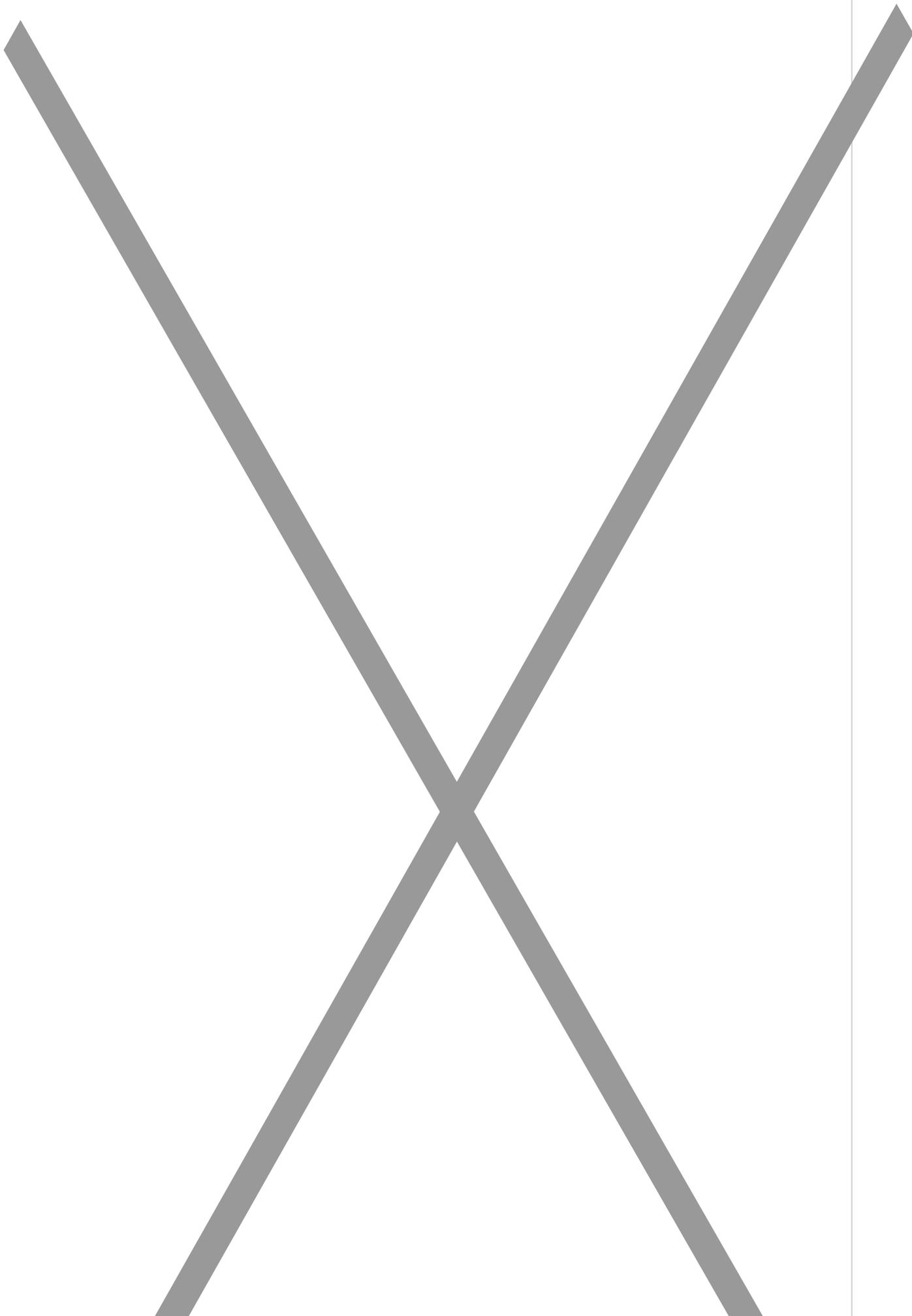


Law Type	Nature	Examples
Civil Law	Personal disputes	Property, contracts
Criminal Law	Offences against the state	Murder, theft, rape

Models of Dispute Resolution

Adversarial Model (Followed in India)

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- The judge acts as a neutral umpire
- Lawyers from both sides present evidence
- The burden of proof lies on the prosecution (in criminal cases)

Inquisitorial Model (e.g., France, Germany)

- The judge investigates and questions witnesses.
- More active role of the judge in gathering facts

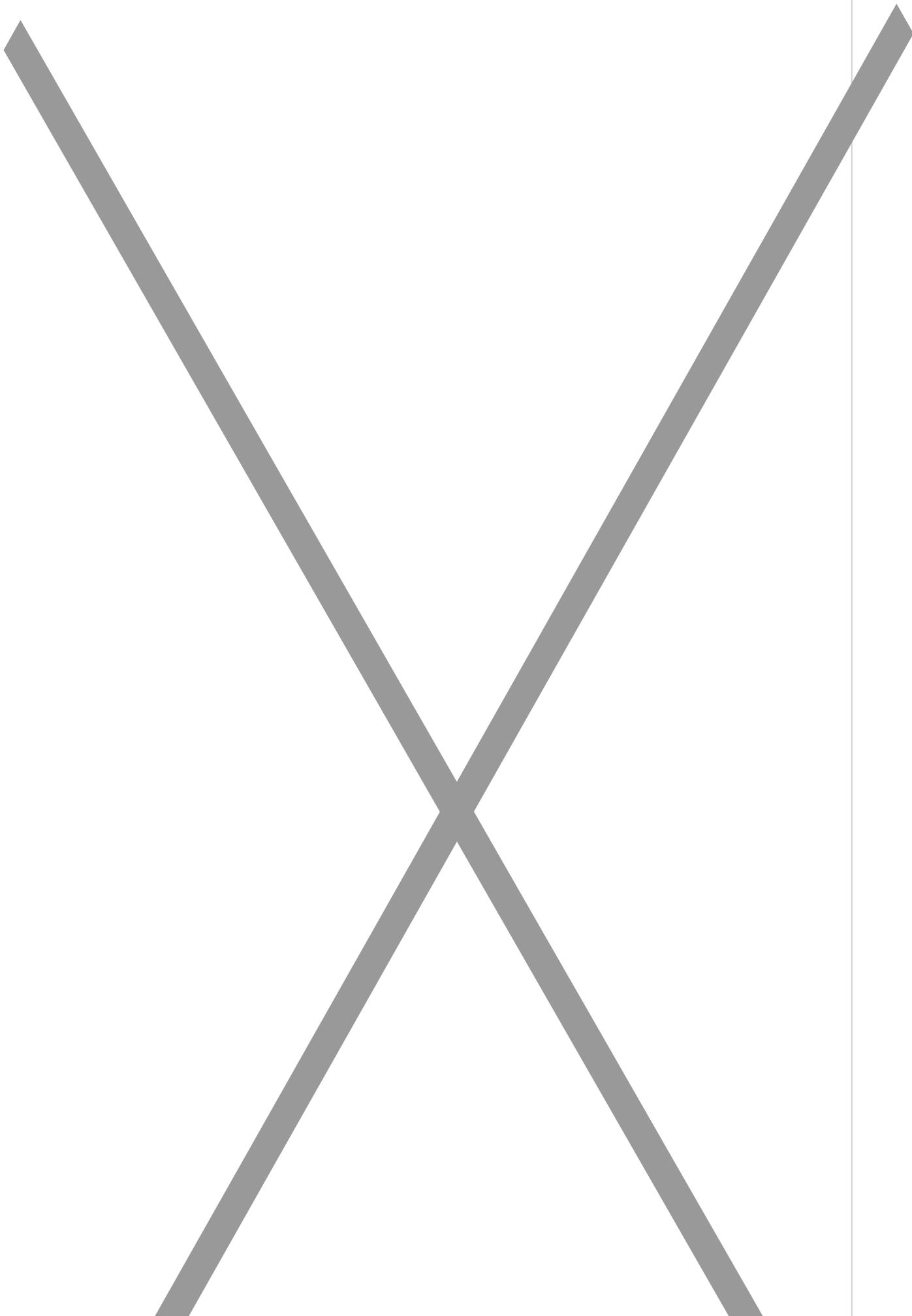
Legal Officers in India

Attorney General of India

Article 76 of the Constitution	
Appointed by	President of India
Must be	Qualified to be a Supreme Court Judge
Tenure	At the pleasure of the President
Role	Chief Legal Advisor to the Government of India
Can appear in	Any court in India on behalf of the Government

List of Attorney Generals (1950-2025)

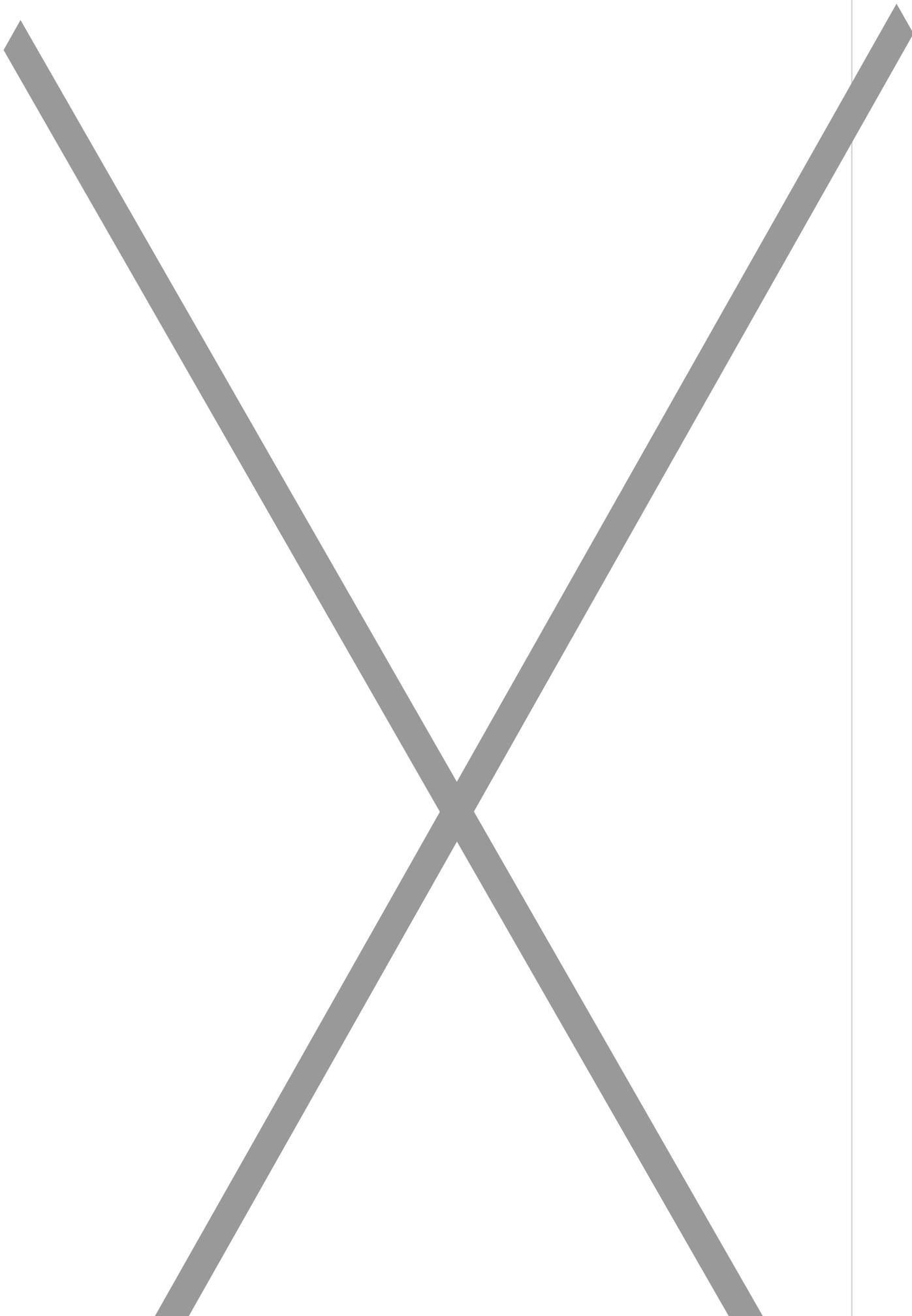
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S.No	Name of the Attorney General	Tenure
1st	M.C. Setalvad	28 January 1950 - 1 March 1963
2nd	C.K. Daftari	2 March 1963 - 30 October 1968
3rd	Niren De	1 November 1968 - 31 March 1977
4th	S.V. Gupte	1 April 1977 - 8 August 1979
5th	L.N. Sinha	9 August 1979 - 8 August 1983
6th	K. Parasaran	9 August 1983 - 8 December 1989
7th	Soli Sorabjee	9 December 1989 - 2 December 1990
8th	J. Ramaswamy	3 December 1990 - 23 November 1992
9th	Milon K. Banerjee	21 November 1992 - 8 July 1996
10th	Ashok Desai	9 July 1996 - 6 April 1998
11th	Soli Sorabjee	7 April 1998 - 4 June 2004
12th	Milon K. Banerjee	5 June 2004 - 7 June 2009
13th	Goolam Essaji Vahanvati	8 June 2009 - 11 June 2014
14th	Mukul Rohatgi	12 June 2014 - 30 June 2017
15th	K.K. Venugopal	30 June 2017 - 22 September 2022

Advocate General of the State

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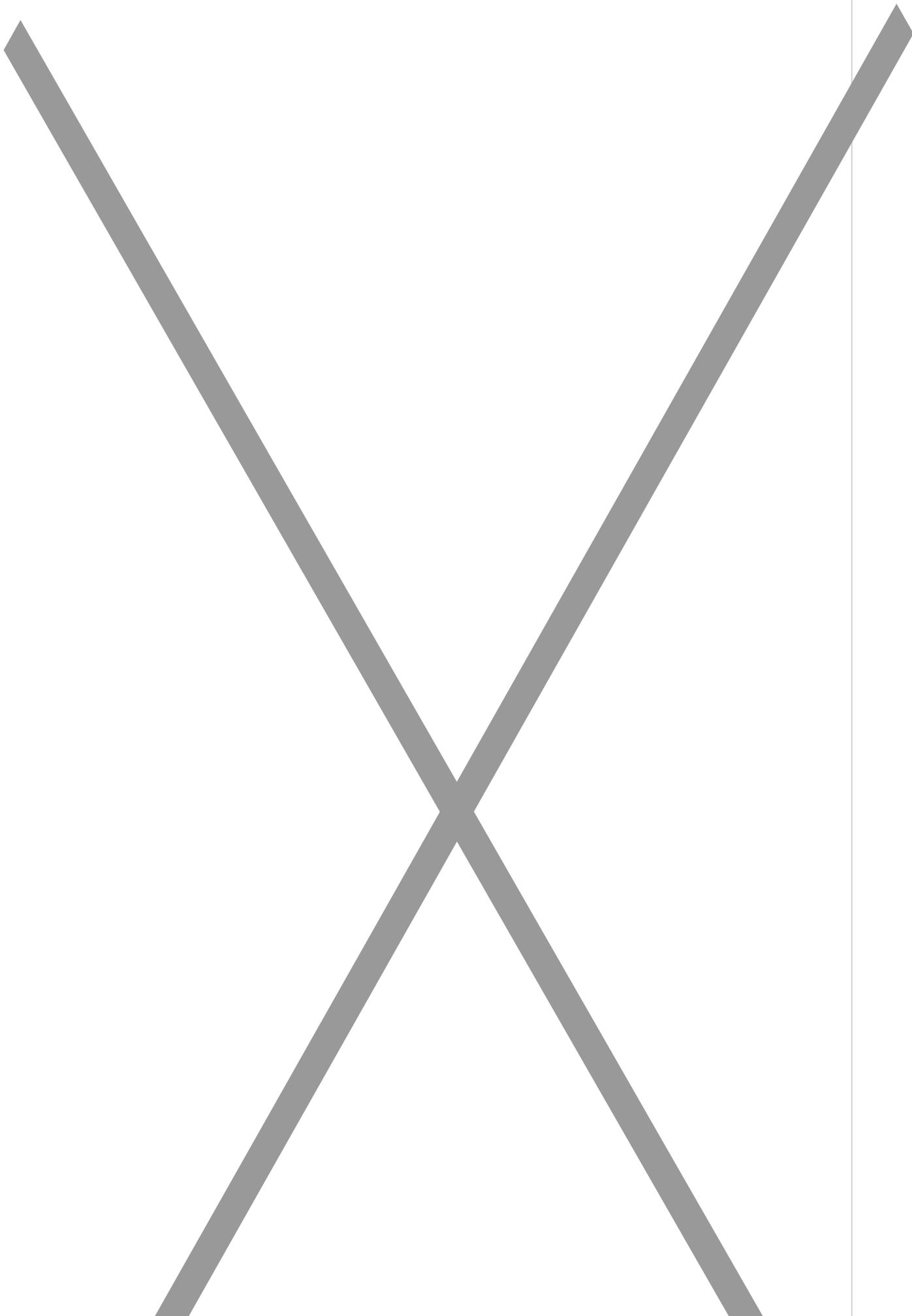


Feature	Details
Constitutional Article	Article 165
Appointed by	Governor of the State
Qualification	Eligible to be a High Court judge
Role	Chief legal advisor to the state government
Tenure	At the pleasure of the Governor

What is Judicial Independence?

The independence of the judiciary is a fundamental feature of the Indian Constitution, ensuring that courts function without interference from the executive or legislature. This principle is in Article 50 (separation of judiciary from executive) and reinforced through provisions like Articles 124-147 (appointment, tenure and powers of Supreme Court judges) and Articles 214-231 (High Courts' autonomy).

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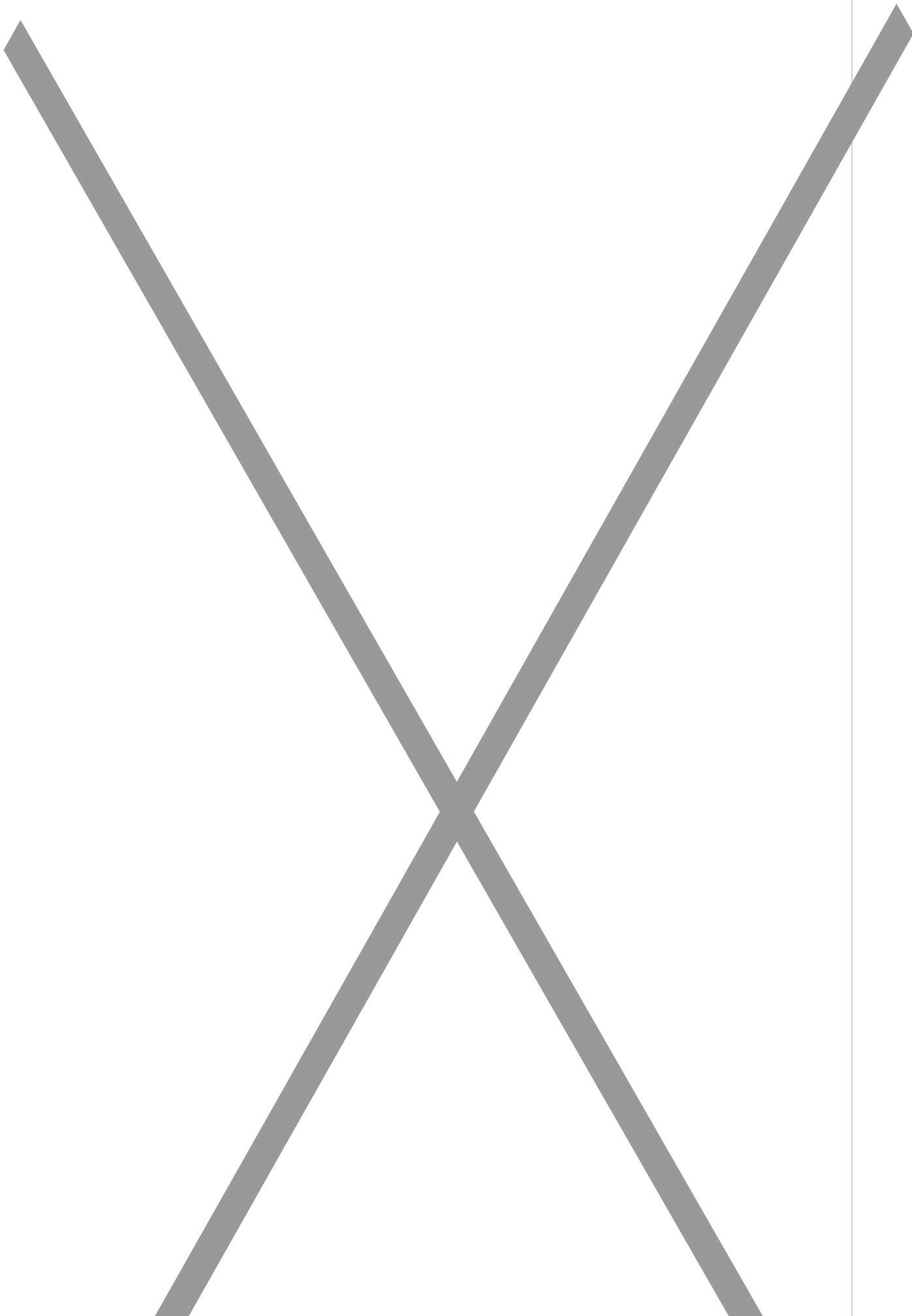


The judiciary acts as the guardian of the Constitution, protecting fundamental rights and maintaining the rule of law. The Supreme Court (SC) and High Courts (HCs) exercise jurisdiction over civil matters (property disputes, contracts under CPC, 1908), criminal matters (appeals under CrPC, 1973) and constitutional matters (interpretation of the Constitution under Article 132). Additionally, the SC can hear Special Leave Petitions (SLPs) under Article 136, allowing it to grant appeals against any court or tribunal judgment.

Importance of Judicial Independence

Purpose	Role of the Independent Judiciary
Safeguarding Democracy	Ensures constitutional governance by acting as a check on arbitrary power
Protecting Fundamental Rights	Prevents abuse of power by invalidating laws/actions that violate rights
Impartial Dispute Resolution	Upholds the rule of law and public confidence in the legal system
Upholding Constitutional Values	Ensures governance according to the spirit of the Constitution

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A critical tool for enforcing rights is the writ of jurisdiction. The SC (Article 32) and HCs (Article 226) can issue five types of writs:

1. Habeas Corpus- to release a person from unlawful detention
2. Mandamus- to compel a public authority to perform its duty
3. Prohibition -to prevent a lower court from exceeding its jurisdiction
4. Certiorari -to quash an illegal order
5. Quo Warranto- to challenge the unlawful occupation of a public office

Different Roles of the Supreme Court

The Supreme Court of India performs multiple roles under the Constitution:

- **Adjudicator:** It resolves disputes between states and the Union (Article 131).
- **Interpreter:** It clarifies constitutional provisions, as seen in landmark cases like *Kesavananda Bharati v. State of Kerala* (1973), which established the Basic Structure Doctrine.
- **Appellate Authority:** It hears appeals from High Courts in civil, criminal, and constitutional matters (Articles 132–134).

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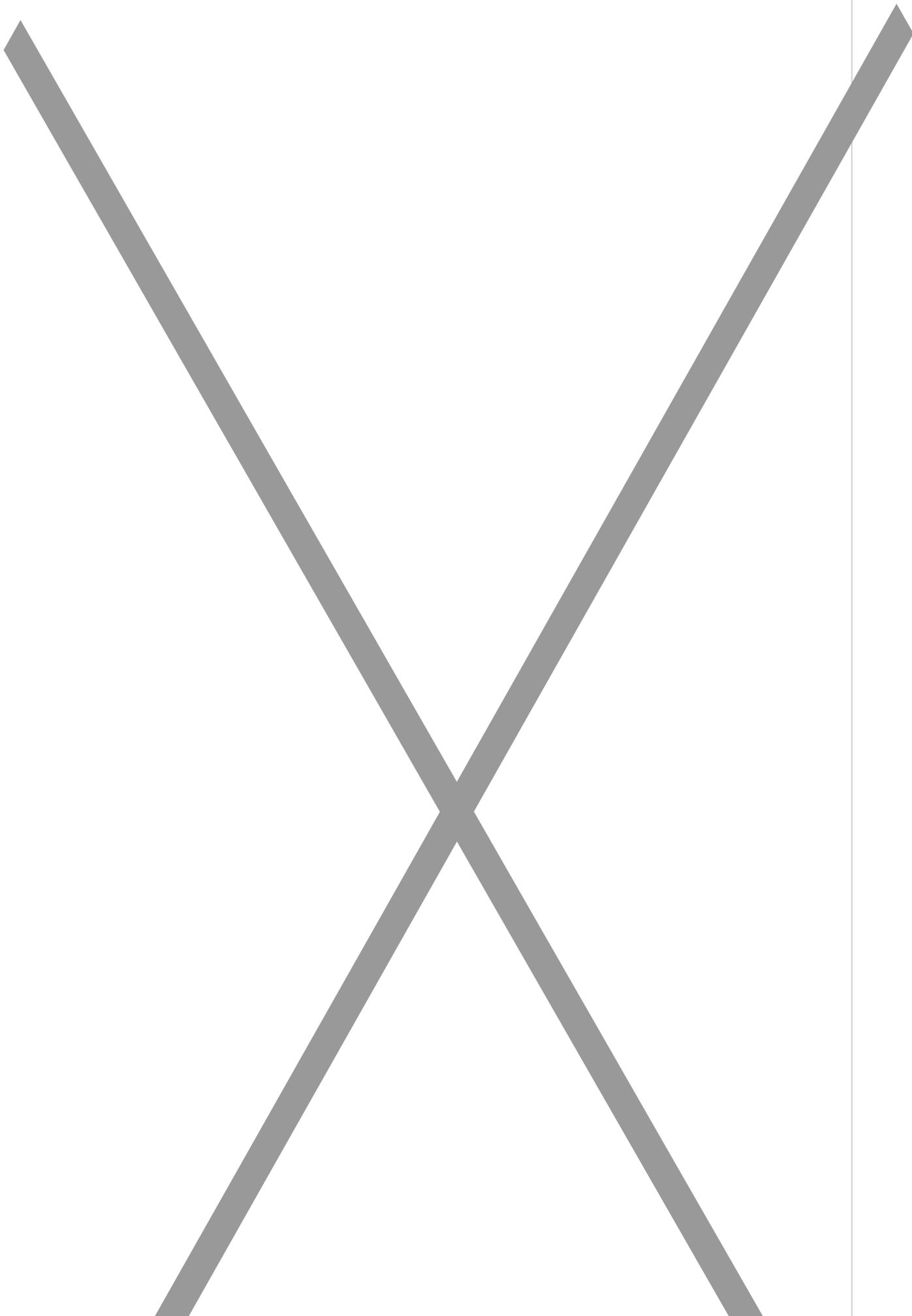


- **Advisor:** Under Article 143, the President can seek the SC's opinion on legal questions (e.g., In re Presidential Reference, 1998).
- **Guardian of Fundamental Rights:** Through Public Interest Litigations (PILs), the SC has expanded access to justice for marginalised groups.

The Court's activist role is evident in cases like Vishaka v. State of Rajasthan (1997), where it laid down guidelines against workplace sexual harassment in the absence of legislation.

Supreme Court as an Activist: Public Interest Litigation (PIL)

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The concept of PIL originated in *Hussainara Khatoon v. State of Bihar* (1979), where the SC intervened to release undertrial prisoners detained indefinitely. This marked a shift from traditional litigation, allowing any public-spirited individual to approach courts on behalf of victims.

Importance of PILs:

- They democratise justice by enabling marginalised groups, e.g., bonded labourers, environmental activists, to seek legal remedies.
- Courts have addressed systemic issues like environmental degradation (*M.C. Mehta* cases), corruption and police reforms.

Guidelines for PILs:

- The SC in *Balco Employees Union v. UoI* (2002) ruled that PILs must not be frivolous or motivated by personal gain.
- Courts discourage "busybody litigants" who misuse PILs for publicity.

Suo Motu Action:

The SC and HCs can take suo motu (on their motion) cognisance of issues based on media reports or letters (e.g., *DCW v. Delhi Police* on custodial violence). This reinforces judicial activism in safeguarding public interest.

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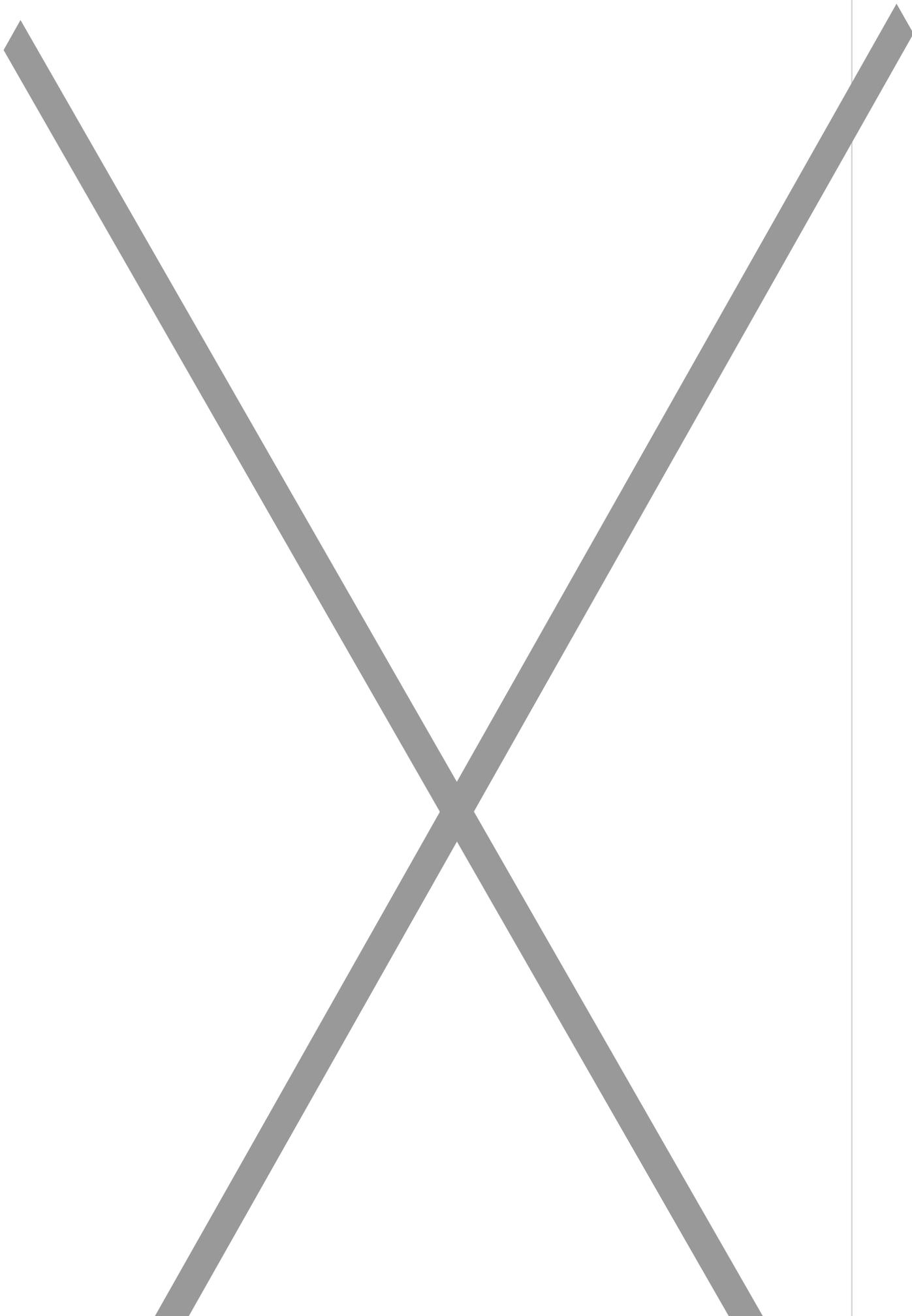
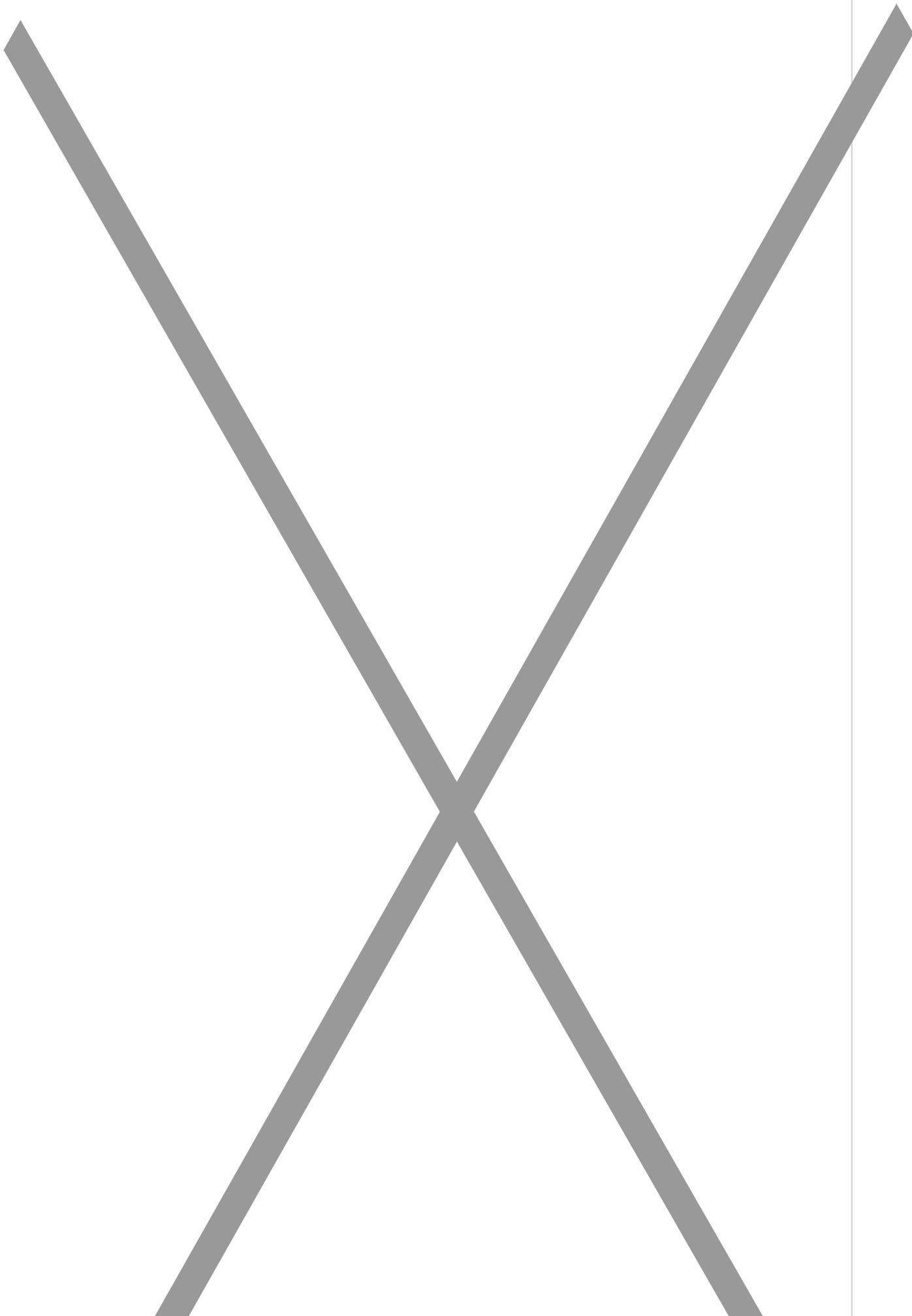


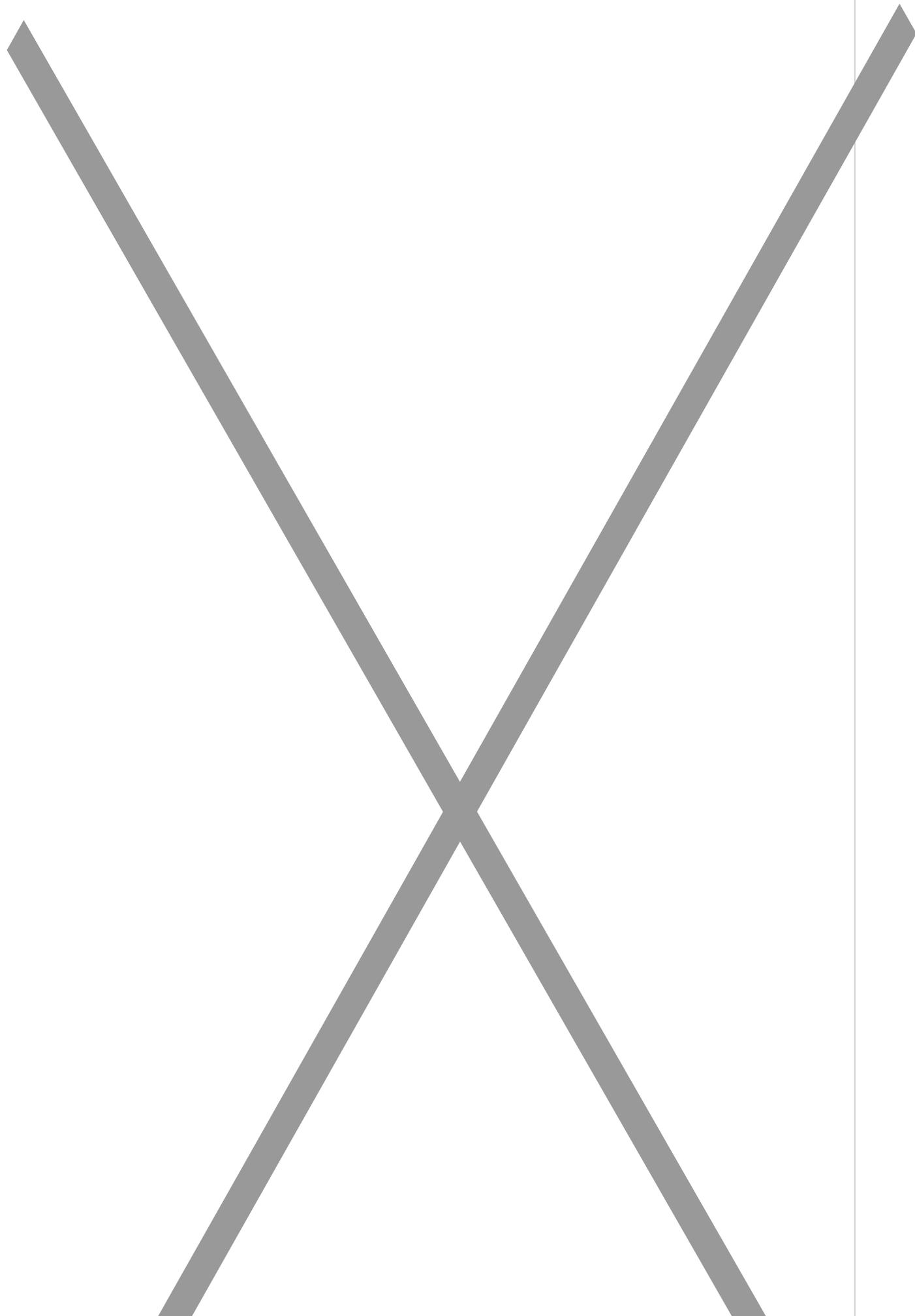
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Courts and Judicial Review

Judicial Review allows courts to examine the constitutionality of laws and executive actions.

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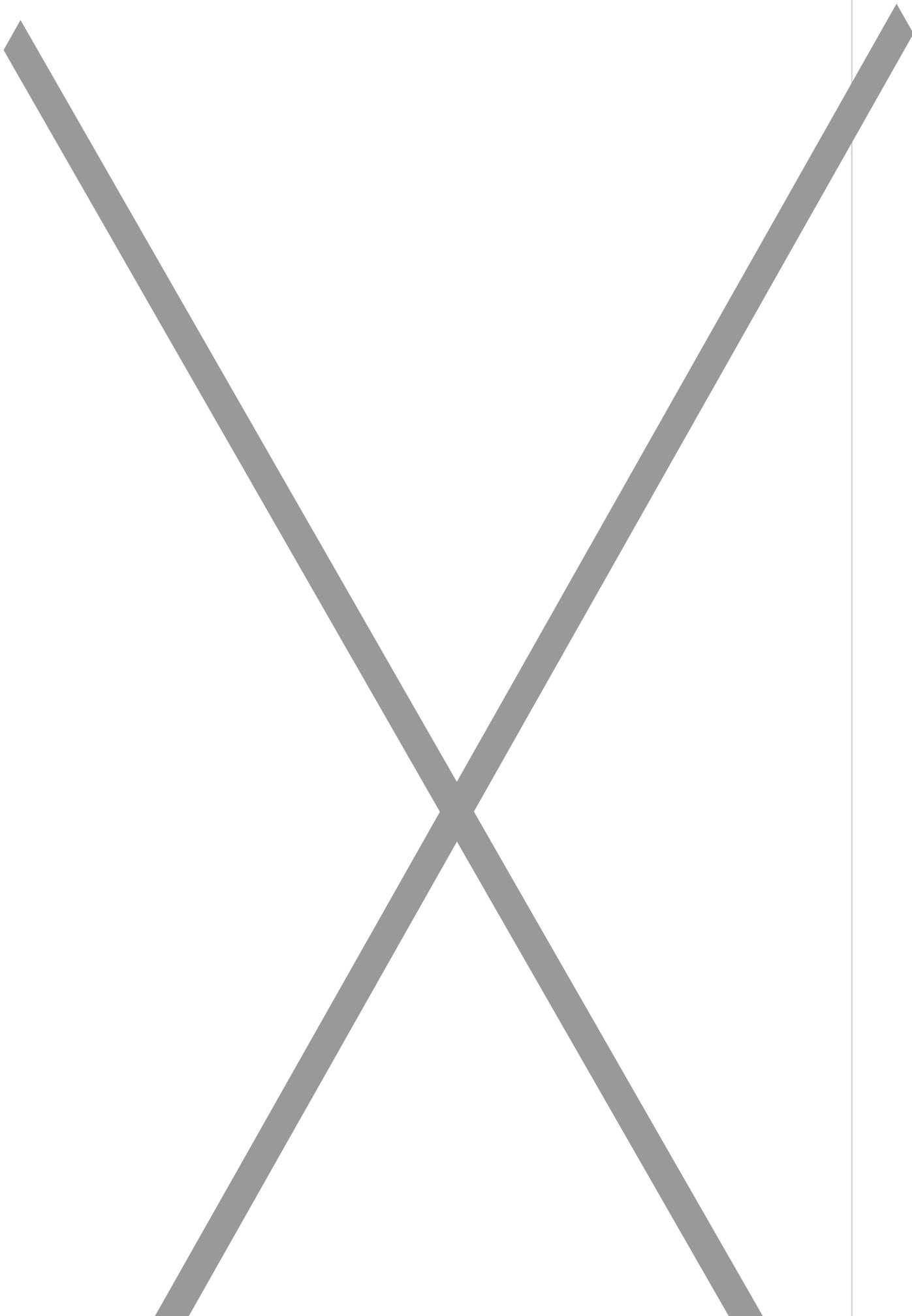


Origin & Importance:

- Derived from Article 13(2), which voids laws violating fundamental rights.
- Kesavananda Bharati (1973): Introduced the Basic Structure Doctrine, limiting Parliament's amendment power.

Scope of Judicial Review in India:

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1. Individual & Group Rights:

- Article 32/226: Writs protect fundamental rights.
- Maneka Gandhi v. UoI (1978): Expanded "personal liberty" under Article 21.

2. Centre-State Relations:

- Courts resolve disputes over legislative competence (Article 246).

3. Fairness in Executive Actions:

- Principles like natural justice, reasonableness, and proportionality ensure administrative accountability.