

High Courts and Subordinate Courts

High Court

There are 25 High Courts in India, six having control over more than one State/UT. Delhi has a High Court of its own among the Union Territories.

Composition

- The High Court is headed by a Chief Justice and other judges appointed by the President.
- Additional judges can be appointed temporarily for up to two years.
- Acting judges may be appointed for temporary absences.

Qualifications

- The judge must be a citizen of India.
- They should not be older than 62 years.
- Must have held a judicial office in India for at least 10 years or been an advocate for 10 years.

Appointment of Judges

- The Chief Justice is appointed by the President, in consultation with the Chief Justice of India and the Governor of the state.
- Other judges are appointed by the President after consulting the Chief Justice of the High Court and the Governor.

Retirement, Removal, and Transfer

- Judges retire at 62 years and may practice in the Supreme Court or High Courts in which they have not served .
- A judge can be removed via impeachment by Parliament for proven misbehavior or incapacity.
- Judges can be transferred after consultation with the Chief Justice of India and senior judges.

Salaries and Emoluments

- Judges' salaries and allowances are set by Parliament and cannot be reduced except during a financial emergency.

Powers and Jurisdiction

Original Jurisdiction

- High Courts have original jurisdiction in matters relating to state revenues, will, divorce, company laws, and contempt of court.
- They can interpret the Constitution and hear cases involving fundamental rights or election petitions.

Appellate Jurisdiction

High Courts and Subordinate Courts

- The High Court hears appeals from District Courts in civil and criminal matters, with civil cases involving land revenues and criminal appeals when the sentence exceeds a certain duration.

Advisory Jurisdiction

- State governments can seek legal advice from the High Court on constitutional matters.

Revisory Jurisdiction

- The High Court can review subordinate court decisions if they believe a case was outside jurisdiction or injustice occurred.

Judicial Review

- The High Court can declare laws unconstitutional if they violate the Constitution.

Court of Record

- Decisions are preserved as records for future reference, and the court can punish contempt of court.

Other Functions

- The High Court supervises lower courts, and judges are consulted for judicial service appointments.

Independence of the High Courts

- Judges' salaries cannot be reduced, and no discussions on their conduct are allowed in the legislature.
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Subordinate Courts

Subordinate courts operate uniformly across districts, with each district having a District Court for civil, criminal, and revenue cases.

Court of the District Judge

- The District Court is the highest court in the district, with civil and criminal cases presided over by district judges and sessions judges.
- Appeals from District Courts can be made to the High Court if the amount involved exceeds ₹5000.

Court of the Civil Judge

High Courts and Subordinate Courts

- Hears cases involving amounts from ₹2000 to ₹5000, with appeals to the District Court.

Munsif Court

- Deals with civil cases below ₹2000, with appeals to the Civil Judge's court.

Small Courts

- Handle very minor cases with no appeal options. Case values vary by state, e.g., ₹1000 in Delhi and ₹10,000 in Mumbai.

Criminal Courts

- These courts handle criminal cases like murder, theft, etc., and include:
 - **Sessions Court:** Presided over by a District Judge for serious offences.
 - **Chief Judicial Magistrate's Court:** Deals with less serious offences.
 - **First Class Magistrate's Court:** Deals with minor cases with up to 3 years of sentence.
 - **Second Class Magistrate's Court:** Deals with less serious offences with sentences up to 2 years.
 - **Third Class Magistrate's Court:** Handles quarrels and minor offences.

Courts of Revenues

- **Board of Revenues:** The highest in revenue matters.
- **Commissioner's Court:** Oversees revenue assessment and collection.
- **Collector's Court:** This handles land revenue collection.
- **Tehsildar's Court:** Manages revenue assessments at a local level.
- **Naib Tehsildar's Court:** The lowest court dealing with property taxes.

Lok Adalat

- A system that provides quick justice and legal aid to those who cannot afford it. The first Lok Adalat was held in 1982, promoting social justice and resolving pending cases.

Family Courts

- Established in cities with populations over 10 lakhs, with the recommendation for one in every city.