



Government of Tamilnadu

Department of Employment and Training

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**Commissioner,
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JUDICIARY

SUPREME COURT OF INDIA

- ❖ Stands at the apex of the judicial system of India
- ❖ Consists of Chief Justice and 30 other judges

Appointment:

Senior most judge of the Supreme Court is appointed as the Chief Justice of India.

Qualification:

- ❖ Must be a Citizen of India
- ❖ Has been a judge of High Court for five years or an advocate of High Court for ten years minimum.
or in President's view a distinguished jurist of the country.

Terms and Salary:

- ❖ The Chief Justice and other Judges hold office till 65 years of age.

Resignation & Removal:

- a. Can give resignation in writing to the President.

- b. Can be removed by the Parliament
- c. After retirement, a Judge of Supreme Court cannot lead or act before any authority.

Salary:

- ❖ Chief Justice - 1 Lakh
- ❖ Judges - 90,000

Removal Of Judges:

- ❖ A motion can be preferred before either house of the Parliament.
- ❖ If it is introduced in Lok Sabha, it should be signed by not less than 100 members.
- ❖ If it is introduced in Rajya Sabha, then it should be signed by not less than 50 members.
- ❖ Resolution - supported by a majority of total membership of the houses & by 2/3 majority of the members present & voting.

Other Points:

- ❖ Chief Justice can appoint adhoc judges in the Supreme Court with the (Consent of President)

◆.....◆ **INDEPENDENCE OF JUDGES**

❖ The Constitution has ensured this by:

- a) Salaries from Consolidated Fund.
- b) Salaries cannot be changed to their disadvantage.
- c) Removal difficult.
- d) Cannot practice after retirement.
- e) Decision & actions of judges cannot be criticized & the person doing so can be punished
- f) Conduct of judges cannot be discussed in parliament.
- g) President cannot appoint judges of the Supreme Court himself, he has to consult the judges also.
- h) Separation From Executive – Article 32.

Jurisdiction Of The Supreme Court:

- a) **Original Jurisdiction:** The Supreme Court settles all disputes between Centre - State, etc.
- b) **Writ Jurisdiction:** Every individual has the right to move the Supreme Court, (directly enforcement of his Fundamental Rights). The Supreme Court is empowered to issue writs including habeas corpus, etc. this is a Original Jurisdiction.

c) **Appellate Jurisdiction:**

- It has appellate jurisdiction in both civil and criminal matters
- The appellate jurisdiction of a high court is wider than its original jurisdiction.

d) **Advisory Jurisdiction:** President seeks the advice of Supreme Court, on any question of law or fact it is duty bound to give its opinion. (Its opinion isn't a binding on President) Art 143.

e) **Revisory Jurisdiction:** The Supreme Court under Article 137 is empowered to review any judgement or order made by it with a view to removing any mistake or error that might have crept in the judgement or order.

- f) It is a court of record as its decisions are of evidentiary value and cannot be questioned in any court.
- g) Supreme Court enjoys the power of judicial review.
- h) Supreme Court decides disputes regarding the election of the President and the Vice President.

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- i) Supreme Court recommends the removal of Members of UPSC to the Parliament.

Public Interest Litigation (PIL):

- ❖ Any member of the public can now initiate a proceeding on behalf of the aggrieved person (especially if the person is too poor or unable to move the court on his or her own) in either the High Court or the Supreme Court for the enforcement of Constitutional Rights.
- ❖ This derives from the right to be heard, as implied by Article 32.
- ❖ Justice PN Bhagwati and Justice V.R. Krishna Iyer were among the first judges to admit PIL in the court.

HIGH COURT

- ❖ Each state has a High Court.
- ❖ Highest Judicial organ of the State.

Presently there are 24 High Courts in India.

Composition:

- ❖ Consist of the Chief Justice and others such judges as appointed by President.

- ❖ Constitution does not fix any maximum Number of Judges for a High Court.
- ❖ A judge of High Court can be transferred to another High Court, (Without President consent).
- ❖ Delhi is the only UT that has High Court of its own.

Appointment of Judges:

Chief Justice is made after consultation with the Chief Justice of Supreme Court and the Governor of the State by the President.

Qualification:

- ❖ Must be a citizen of India.
- ❖ Should have been an advocate of a High Court or of 2 such courts in succession for atleast 10 years
- ❖ Or should have held Judicial Office in India for a period of atleast 10 years.

Term and Salary:

- ❖ Continues his office till 62 years of age.

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Salary

- Rs.90,000/- per month - Chief Justice.
- Rs.80,000/- per month - Other Judges.

- ❖ Supervises the working of all subordinate courts & frames rules & regulations for the transaction of business.
- ❖ It can examine the records of subordinate courts.

Removal:

- ❖ The President can remove a judge of High Court only if the Parliament passes the resolution.
- ❖ Majority of 2/3 members present and voting in each house.
- ❖ The conduct of the judges cannot be discussed in Parliament, except on a motion for the removal of the Judge.

Restriction on Legal Practice:

- ❖ He is not allowed to practice law before the authority of the same court except the Supreme Court and any other High Court.

Jurisdiction of High Court :

- ❖ Court of record and has power to punish for its contempt.
- ❖ Under Article 226, the High Courts are given powers of issuing writs for the enforcement of Fundamental Rights and for other purposes.

SUBORDINATE COURTS

- ❖ Judiciary in States consists of a High Court and subordinate courts.
- ❖ The organisation of the Subordinate Courts is uniform.
- ❖ Two types of law courts in every district - Civil and Criminal Court.
- ❖ They function under the superintendence and control of the High Court of that particular state.
- ❖ The highest civil court in a district is the court of the District Judge. The court decide civil and criminal cases.

Appointment

- ❖ By the Governor (consultation with the Chief Justice of the High Court).
- ❖ He hears the appeals against the decision of the sub-judges.
- ❖ Besides the District Court, there are courts of sub-judges, munsiff courts and small causes.

- ❖ Below the Session Courts are the courts of First Class Magistrates.
- ❖ In Metropolitan cities like Kolkata, Chennai, Mumbai and Delhi Magistrates are known as Metropolitan Magistrates.
- ❖ There are courts of 2nd Class and 3rd Class Magistrates also.

THE HIGH COURTS - SEATS AND JURISDICTION

Name	Year of Establishment	Territorial Jurisdiction	Seat
Allahabad	1866	Uttar Pradesh	Allahabad (Bench at Lucknow)
Andhra Pradesh	1954	Andhra Pradesh	Hyderabad
Mumbai	1862	Maharashtra, Dadra & Nagar - Haveli, Goa, Daman & Diu	Mumbai (Benches at Nagpur, Panaji, Aurangabad)
Kolkata	1862	West Bengal, Andaman & Nicobar Islands	Kolkata (Bench at Port Blair)
Delhi	1966	Delhi	Delhi
Guwahati	1948	Assam, Manipur, Meghalaya, Nagaland, Tripura, Mizoram and Arunachal Pradesh	Guwahati (Benches at Kohima, Imphal, and Agartala & Shillong)
Gujarat	1960	Gujarat	Ahmedabad
Himachal Pradesh	1966	Himachal Pradesh	Shimla
Jammu & Kashmir	1928	Jammu & Kashmir	Srinagar & Jammu

Karnataka	1884	Karnataka	Bangaluru
Kerala	1958	Kerala & Lakshadweep	Ernakulam
Madhya Pradesh	1956	Madhya Pradesh	Jabalpur (Bench at Indore, Gwalior)
Madras	1862	Tamil Nadu & Puducherry	Madras
Orissa	1948	Orissa	Cuttack
Patna	1916	Bihar	Patna
Punjab & Haryana	1975	Punjab, Haryana, Chandigarh	Chandigarh
Rajasthan	1949	Rajasthan	Jodhpur (Bench-Jaipur)
Sikkim	1975	Sikkim	Gangtok
Chhattisgarh	2000	Chhattisgarh	Bilaspur
Uttaranchal	2000	Uttaranchal	Nainital
Jharkhand	2000	Jharkhand	Ranchi
Tripura	2013	Tripura	Agartala
Manipur	2013	Manipur	Imphal
Meghalaya	2013	Meghalaya	Shillong