

Lesson 15

High Courts and Subordinate Courts

Summary –

The High Courts are part of the Indian judiciary, and function under the supervision guidance and control of the Supreme Court. As highest court in the State a High Court supervises the subordinate courts in the State. The system of appointment of judges, their qualifications and the working of subordinate courts is under the direct control and supervision of the High Court of the State concerned.

The State High Courts –

High Courts are the highest courts at State level but being part of integrated Indian judiciary, they work under the superintendence, direction, and control of the Supreme Court.

Composition–

- ✚ There is a High Court for each State. However, there can be a common High Court for two or more States. Every High Court has a Chief Justice and a few judges.
- ✚ The number of judges varies from State to State.

Tenure and Removal of the Judges –

- (1) S/he should be a citizen of India,
- (2) S/he should have held a judicial office, at the district level or below for at least ten years or S/he should have been an advocate in one or more High Courts for at least ten years continuously.

- ✚ Judges hold the office till the age of 62 years and may be removed before She/he attains the age of 62 years.
- ✚ Only on the ground of incapacity or proved misbehaviour.

Powers & Jurisdiction of the High Court –

➤ Original Jurisdiction –

The High Courts have the power to hear and decide cases which are brought directly to it.

➤ Appellate Jurisdiction –

When a High Court hears an appeal against the decision of a lower court, appeals in both civil and criminal cases are brought to it against the decisions of the lower courts.

Transfer of Cases to High Court

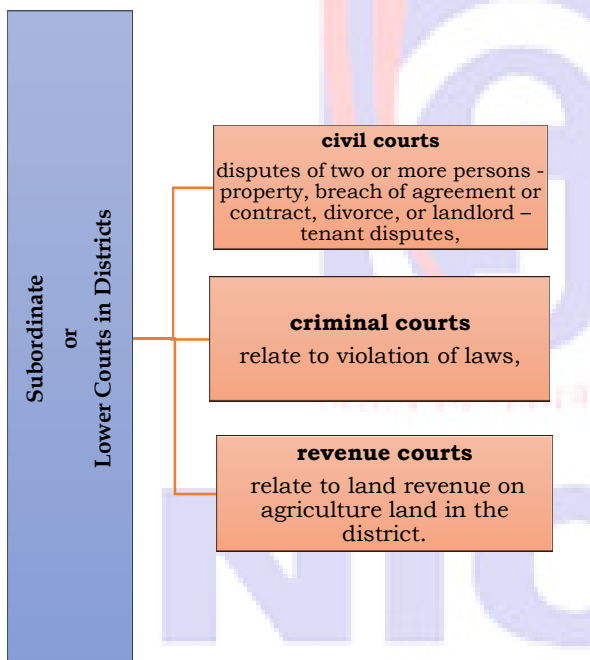
– High Court may withdraw a case from the lower court & may either dispose it off itself or may return it to the lower court with instructions for disposal of the case.

Superintendence of Subordinate Courts–

High Court has the right of superintendence and control over all the subordinate courts in all the matter of judicial and administrative nature.

Court of Record –

Lower courts in a State are bound to follow the decisions of the High Court which are cited as precedents.



Qualification & Appointment of Judges –

- Appointed by the Governor in consultation with the Chief Justice of the High Court of the concerned State.

Qualification –Any person who has been an advocate for at least seven years or one who is in the Structure of Government service of the State or the Central Government.

Civil Courts – is called the Court of District and Sessions Judge when it deals with both civil and criminal cases at the district level.

- ✚ The judge of this court is appointed by the Governor of the State.
- ✚ Below the Court of District Judge there may be one or more courts of sub judges in the district.
- ✚ Separate family courts have been established in districts to exclusively hear cases of family disputes.
- ✚ Below them there are courts of munsifs and small causes courts which decide cases involving petty amounts.
- ✚ No appeal can be made against the decisions of the small cause courts.

Criminal Courts –

The Court of the Sessions Judge known as Sessions Courts is the highest court for criminal cases in a district.

- ✚ Below this court there are courts of magistrates of First Second and Third class,
- ✚ Criminal Courts hear criminal cases which are related to violation of laws - theft, dacoity, pick pocketing, murder etc.

- ✚ In such cases the guilty person gets the punishment, fine, imprisonment or even death sentence.

Revenue Courts –

- ✚ Revenue courts deal with cases of land revenue in the State.
- ✚ The highest revenue court in the district is the Board of Revenue.
- ✚ Under it are the Courts of Commissioners Collectors Tehsildars & Assistant Tehsildars.
- ✚ The Board of Revenue hears the final appeals against all the lower revenue courts under it.

Evaluate Yourself –

1. “The functions of civil courts are different from criminal courts in a district” in context to the statement write down the functions in brief.
2. Name the highest civil court of a district and write down the powers of the court in your own words.
3. Write down the structure of the subordinate courts of your district.



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