

# Structure of the Courts in India

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# STRUCTURE OF COURT

- Indian Courts
- Inherited legacy & legal system established by colonial powers
- Indian Judiciary administers a common law system
- Legal jurisdiction contains customs, precedents and legislation, all codify law
- Constitution of India is the supreme legal  
Constitutional Courts

# Supreme Court of India

- Supreme Court of India
- Chapter VI Art. 124)
- High Courts and their Benches in the State ' (Chapter V - Article 214)
- Article 141 - Law declared by Supreme Court

# Criminal Courts

- Criminal Court Structure under Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)
- Civil Procedure Code, 1908 - Civil Court
- Family Law - Family Court
- Special Laws - Special Courts
- Tribunals - Quasi Judicial Authority for Special Subjects
- Lok-Adalat – Alternative Dispute Resolution System is a new mechanism to settled the case outside the court
- ' Nyay Panchayat Courts

# Criminal Court Structure

(Under Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS))

- District Courts
- Magistrate Courts
- Executive Courts
- Courts Local jurisdiction
  - Local Area specify by the State Govt.
- Magistrate Courts
  - Chief JM
  - Addl. Chief J.M
  - Judicial Magistrate First Class
  - Judicial Magistrate Second Class

# Role of Judicial Magistrate

- Magistrate
- Appreciation of evidence
- Formulation of Decision to Punish/Penalise
- Detention in custody Pending Investigation, Inquiry or Trial
- Great Task to check the execution of law by police
- Check and Balance of Powers

# CLASSES OF CRIMINAL COURTS & TERRITORIAL JURISDICTION

- Courts of Session
- Session Divisions in district
- Judicial Magistrates of the first class
- Judicial Magistrates of the second class;
- Executive Magistrates ' One of them District Magistrate '
- Commissioner of Police is Executive Magistrate for Commissionerate Area

# POWERS OF COURTS

- Any offence of IPC or Other law by High Court
- Any offence IPC or Other law by Sessions Court
- Other Courts- As per Schedule I of BNSS
- Offences against Women is to be tried by court presided by woman
- Juvenile cases tried by Juvenile Justice Board
- Special Courts for Special Laws



# TRIAL COURTS

- District Sessions Court
  - Principal Judge- Dist. Session Judge
  - Addl. Dist. Judge
- Taluka/Tehsil Court
  - Chief Judicial Magistrate Court
  - Addl. Chief Judicial Magistrate Court
  - Judicial Magistrate First Class Court
  - Judicial Magistrate Second Class Court

# Children Court/ Juvenile Justice Board

## JUVENILE

- Children Court at Dist. Level District Sessions Court
- Juvenile Justice Board (JJB) at Taluka Level (Sub-district)
  - Chairman/Chairperson ( Chief Judicial/Addl. Chief Judicial Magistrate
  - Two Members ( One is essentially Woman)
  - Procedure is followed by the JJB is as per the Juvenile Justice Act, 2015 as well as Cr.P.C

# EXECUTIVE MAGISTRATE COURT

- EXECUTIVE MAGISTRATE COURT
- District Magistrate in the District
  - Administrate head of the District as Executive-Collector of the District
  - Addl. Dist. Magistrate
  - Asst. Dist. Magistrate
  - Sub-Divisional Magistrate
  - Executive Magistrate

# CIVIL COURTS

- Commercial Courts
  - Value of Suit Rs. 1 Crore and above '
- Civil Court
- Jr. Division
  - Value of Suit up to Rs. 7 Lakhs
- Sr. Division
  - Value of Suit More than Rs. 7 Lakhs up to Rs.1 Cr.
- Small Causes Courts in presidency town

# JURISDICTION

- Territorial
  - Territory – Geographical
- Subjective
  - Subject matter
- Punitive
  - Punishment
- Original
  - Territorial
- Writs
  - Enforcement of Fundamental Rights
- Appellate – Appeal
- Revision – Review
- Reference – Guidance of the Higher Court
- Advisory - Constitutional Advise

# Subjective Jurisdiction

- High Court, Court of Session, or Any other Court
- Any offence under the Bharatiya Nyay Sanhita, 2023 or Any offence under any other law
- Offences against Women shall be tried by woman judge
- As per the Schedule 1 & 2
  - Classification of Offences - Try by Session Court, JMFC, Any Magistrate

# Subjective Jurisdiction

- Children Court (Dist. Court)
  - Offences punishable death or life imprisonment
- Juvenile Justice Board
- Offences punishable up to 7 years imprisonment
- High Court
  - Any sentence authorised by law
- Sessions Judge
  - Any sentence authorised by law
  - Death Penalty subjected to confirmation by the High Court

# PUNITIVE JURISDICTION

- Chief Judicial Magistrate & Addl. CJM
  - Offences punishable for imprisonment up to 7 years & Fine (no limit)
- Judicial Magistrate First Class
  - Offences punishable for imprisonment up to 3 years or Fine up to Rs. 50,000/- or of both
- Judicial Magistrate Second Class
  - Offences punishable for imprisonment up to 1 years or Fine up to Rs. 10,000/- or of both



# Executive Courts

- District Magistrate (Collector)
- Sub-Divisional Magistrate (SDM)(Dy. Collector)
- Executive Magistrate
- Public Order & Public Peace related orders and proceedings
- Inquiry in to suspected death
- Inquiry into custodial death in addition to JMFC