



**GOVERNMENT DEGREE COLLEGE, LUXETTIPET
DIST. MANCHERIAL**

JIGNASA

STUDENT STUDY PROJECT -2022-2023

“A STUDY ON INDIAN JUDICIARY SYSTEM”



DEPARTMENT OF POLITICAL SCIENCE

**GOVERNMENT DEGREE COLLEGE,
LUXETTIPET**

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CERTIFICATE

Certified that the Following students team conducted student study project on the topic "INDIAN JUDICIARY SYSTEM" under the supervision of K.SANDHYA RANI Lecturer in political science, Government Degree College, Luxettipet.

NAME OF THE STUDENTS

COURSE & GROUP

1 .S.HEPSIBA	BA III YEAR
2. G.KARTHEEK	BA II YEAR
3. S.VAMSHI	BA II YEAR
4. NAINA OJHA	BA I YEAR
5. RAHUL PANDIT	BA I YEAR

PRINCIPAL

TITLE OF THE PROJECT: INDIAN JUDICIARY SYSTEM

STATEMENT OF THE PROBLEM:

Relevant facts about Indian judiciary, what is the role of the judiciary, its structure, organization, and Functions of Indian Judiciary, judicial review.

AIMS :

- To develop skills in judicial activities and acquire essential knowledge in entire judiciary system
- Students to know about Indian judiciary system, and its structure
- And they also know about judicial review.

OBJECTIVES :

- To observe Various Types Of Courts
- To analyze Civil And Criminal Laws.
- To make a study on structure of judiciary

RESEARCH METHODOLOGY: OBSERVATION METHOD

For this project we are visited Honorable High court, District courts of Warangal, Karimnagar, Senior Civil Judge and Junior Civil Judge Court of Luxettipet. We have collected some data from various Courts.

About our project: The project introduces students to the Judiciary, the structure of the Judiciary, Judiciary and Rights and Judicial Activism. It also highlights the need for the independence of the judiciary & also the Judicial institutions: supreme court, high court and their various jurisdiction. Indian administration is guided by three pillars – Legislature, Executives, and Judiciary. Indian Judiciary. In India, we have an independent judiciary. The other organs of the government cannot interfere with the functioning of the judiciary This project will provide you with relevant facts about Indian judiciary, what is the role of the judiciary, its structure, organisation, and functioning.

Introduction to Indian Judiciary

The judiciary is that branch of the government that interprets the law, settles disputes and administers justice to all citizens. The judiciary is considered the watchdog of democracy, and also the guardian of the Constitution. For democracy to function effectively, it is imperative to have an impartial and independent judiciary.

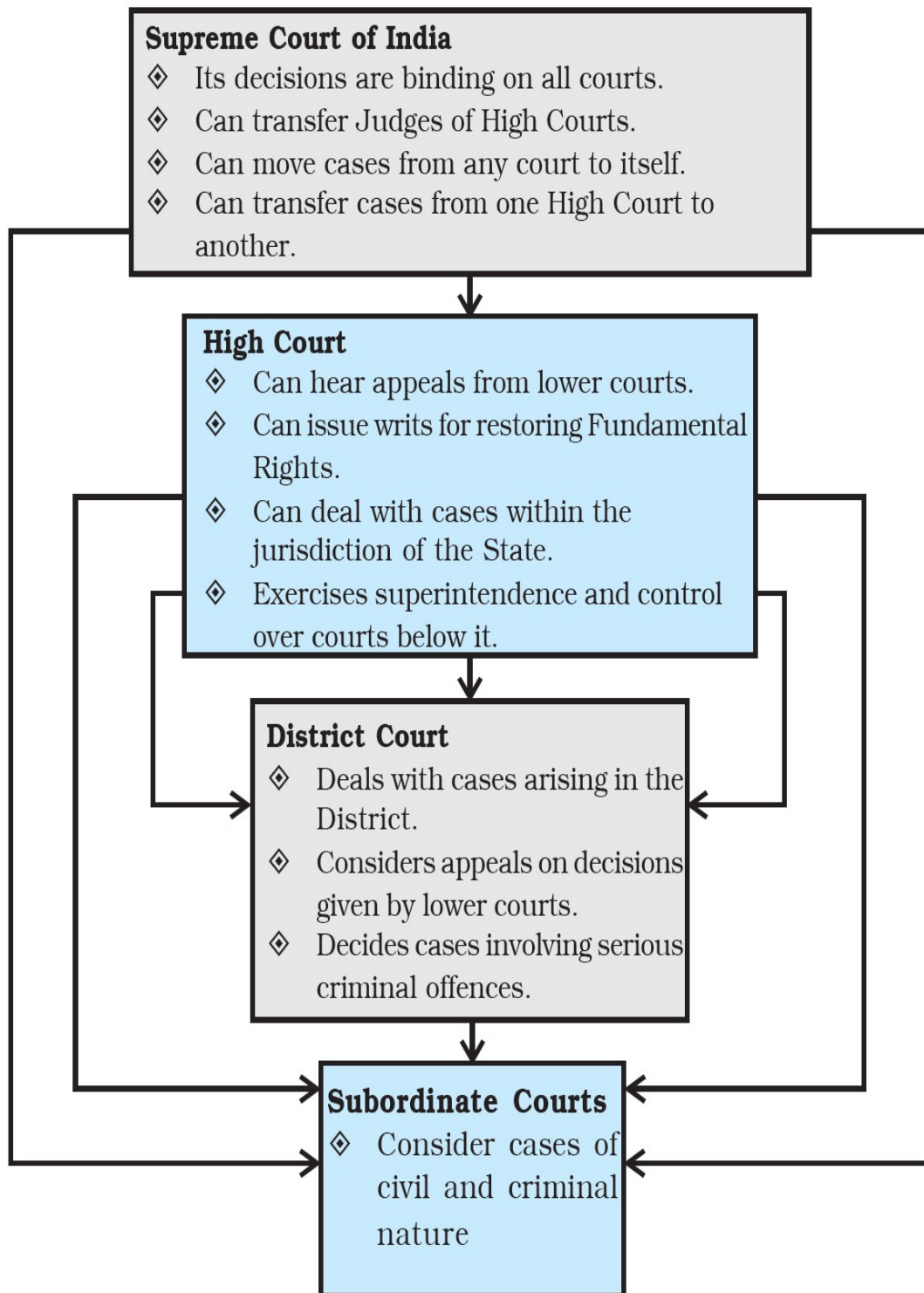
Independent Indian Judiciary

It means that the other branches of the government, namely, the executive and the legislature, does not interfere with the judiciary's functioning. The judiciary's decision is respected and not interfered with by the other organs. It also means that judges can perform their duties without fear or favour. Independence of the judiciary also does not mean that the judiciary functions arbitrarily and without any accountability. It is accountable to the Constitution of the country.

Indian Judiciary – Structure

India has a single integrated judicial system. The judiciary in India has a pyramidal structure with the Supreme Court (SC) at the top. High Courts are below the SC, and below them are the district and subordinate courts. The lower courts function under the direct superintendence of the higher courts.

The diagram below gives the structure and organization of the judicial system in the country.



Apart from the above structure, there are also **two branches of the legal system**, which are:

1. **Criminal Law:** These deal with the committing of a crime by any citizen/entity. A criminal case starts when the local police file a crime report. The court finally decides on the matter.
2. **Civil Law:** These deal with disputes over the violation of the Fundamental Rights of a citizen.

Functions of Indian Judiciary – What is the role of the Judiciary?

The functions of the judiciary in India are:

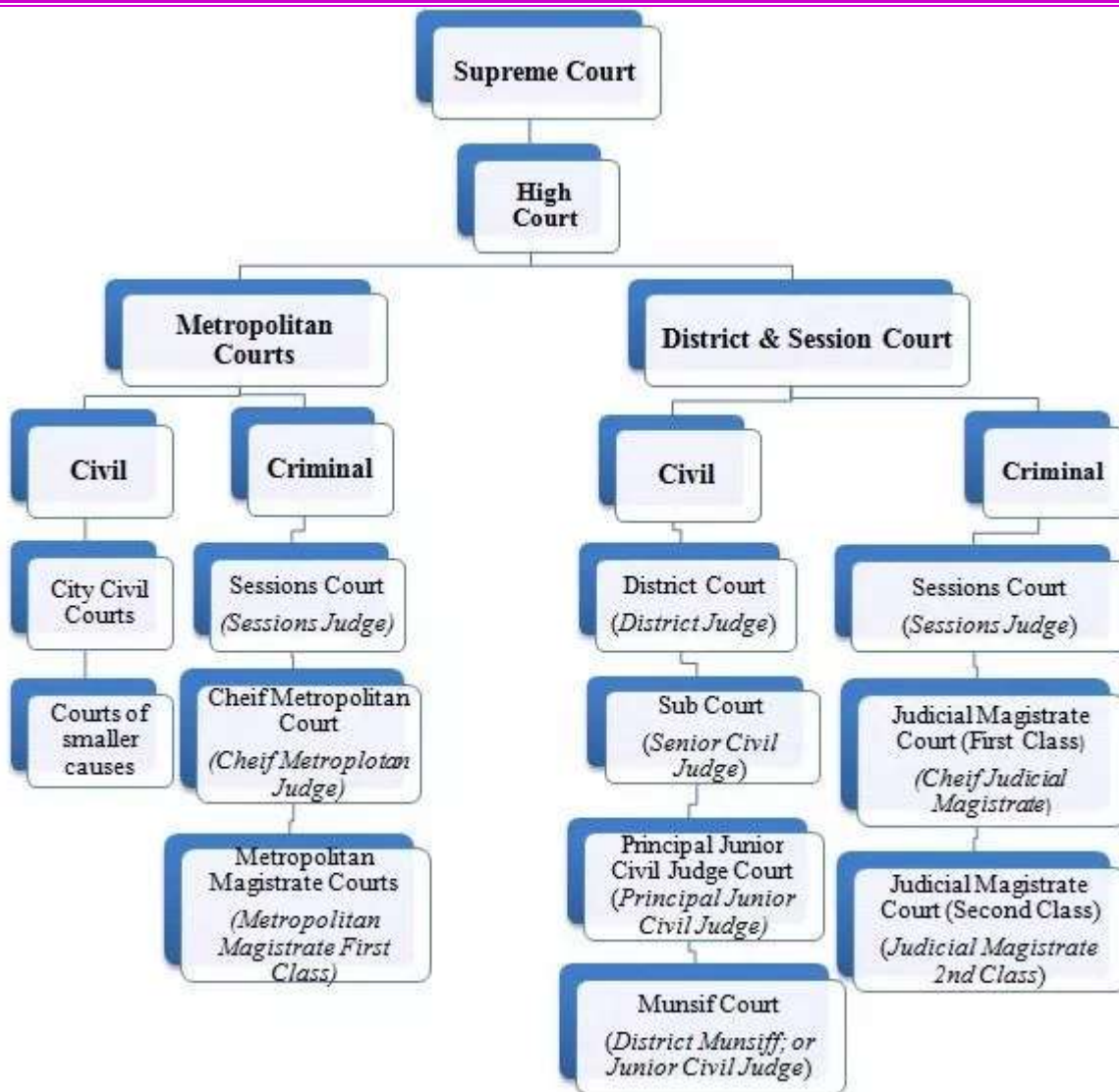
1. **Administration of justice:** The chief function of the judiciary is to apply the law to specific cases or in settling disputes. When a dispute is brought before the courts it ‘determines the facts’ involved through evidence presented by the contestants. The law then proceeds to decide what law is applicable to the case and applies it. If someone is found guilty of violating the law in the course of the trial, the court will impose a penalty on the guilty person.
2. **Creation of judge-case law:** In many cases, the judges are not able to, or find it difficult to select the appropriate law for application. In such cases, the judges decide what the appropriate law is on the basis of their wisdom and common sense. In doing so, judges have built up a great body of ‘judge-made law’ or ‘case law.’ As per the doctrine of ‘stare decisis’, the previous decisions of judges are generally regarded as binding on later judges in similar cases.
3. **Guardian of the Constitution:** The highest court in India, the SC, acts as the guardian of the Constitution. The conflicts of jurisdiction between the central government and the state governments or between the legislature and the executive are decided by the court. Any law or executive order which violates any provision of the constitution is declared unconstitutional or null and void by the judiciary. This is called ‘judicial review.’ Judicial review has the merit of guaranteeing the fundamental rights of individuals and ensuring a balance between the union and the units in a federal state.
4. **Protector of Fundamental Rights:** The judiciary ensures that people’s rights are not trampled upon by the State or any other agency. The superior courts enforce Fundamental Rights by issuing writs.
5. **Supervisory functions:** The higher courts also perform the function of supervising the subordinate courts in India.

6. **Advisory functions:** The SC in India performs an advisory function as well. It can give its advisory opinions on constitutional questions. This is done in the absence of disputes and when the executive so desires.
7. **Administrative functions:** Some functions of the courts are non-judicial or administrative in nature. The courts may grant certain licenses, administer the estates (property) of deceased persons and appoint receivers. They register marriages, appoint guardians of minor children and lunatics.
8. **Special role in a federation:** In a federal system like India's, the judiciary also performs the important task of settling disputes between the centre and states. It also acts as an arbiter of disputes between states.
9. **Conducting judicial enquiries:** Judges normally are called to head commissions that enquire into cases of errors or omissions on the part of public servants.

Indian Judiciary – Civil Courts

Civil courts deal with civil cases. Civil law is referred to in almost all cases other than criminal cases. Criminal law applies when a crime such as a robbery, murder, arson, etc. is perpetrated.

- Civil law is applied in disputes when one person sues another person or entity. Examples of civil cases include divorce, eviction, consumer problems, debt or bankruptcy, etc.
- Judges in civil courts and criminal courts have different powers. While a judge in a criminal court can punish the convicted person by sending him/her to jail, a judge in a civil court can make the guilty pay fines, etc.
- District Judges sitting in District Courts and Magistrates of Second Class and Civil Judge (Junior Division) are at the bottom of the judicial hierarchy in India.



- The court of the district judges is the highest civil court in a district.
- It has both administrative and judicial powers.
- The court of the District Judge is in the district HQ.
- It can try criminal and civil cases and hence, the judge is called District and Sessions Judge.
- Under the district courts, there are courts of the Sub-Judge, Additional Sub-Judge and Munsif Courts.
- Most civil cases are filed in the Munsif's court.

Civil courts have four types of jurisdiction:

- **Subject Matter Jurisdiction:** It can try cases of a particular type and relate to a particular subject.
- **Territorial Jurisdiction:** It can try cases within its geographical limit, and not beyond the territory.
- **Pecuniary Jurisdiction:** Cases related to money matters, suits of monetary value.
- **Appellate Jurisdiction:** This is the authority of a court to hear appeals or review a case that has already been decided by a lower court. The Supreme Court and the High Courts have appellate jurisdiction to hear cases that were decided by a lower court.

Judicial Review

Judicial review is defined as the doctrine under which executive and legislative actions are reviewed by the judiciary. Even though we have in India the principle of separation of powers of the three arms of the State, namely, the executive, the legislative and the judiciary, the judiciary is vested with the power of review over actions of the other two arms.