

Judiciary: Structure, Organization and Functioning

Judiciary, legislature and executive are the three branches of the State. In India, we have an independent judiciary. The other organs of the government cannot interfere with the functioning of the judiciary.

Judiciary

The judiciary is that branch of the government that interprets 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 Judiciary

What is the meaning of independent 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.

How is the Judiciary's independence provided for?

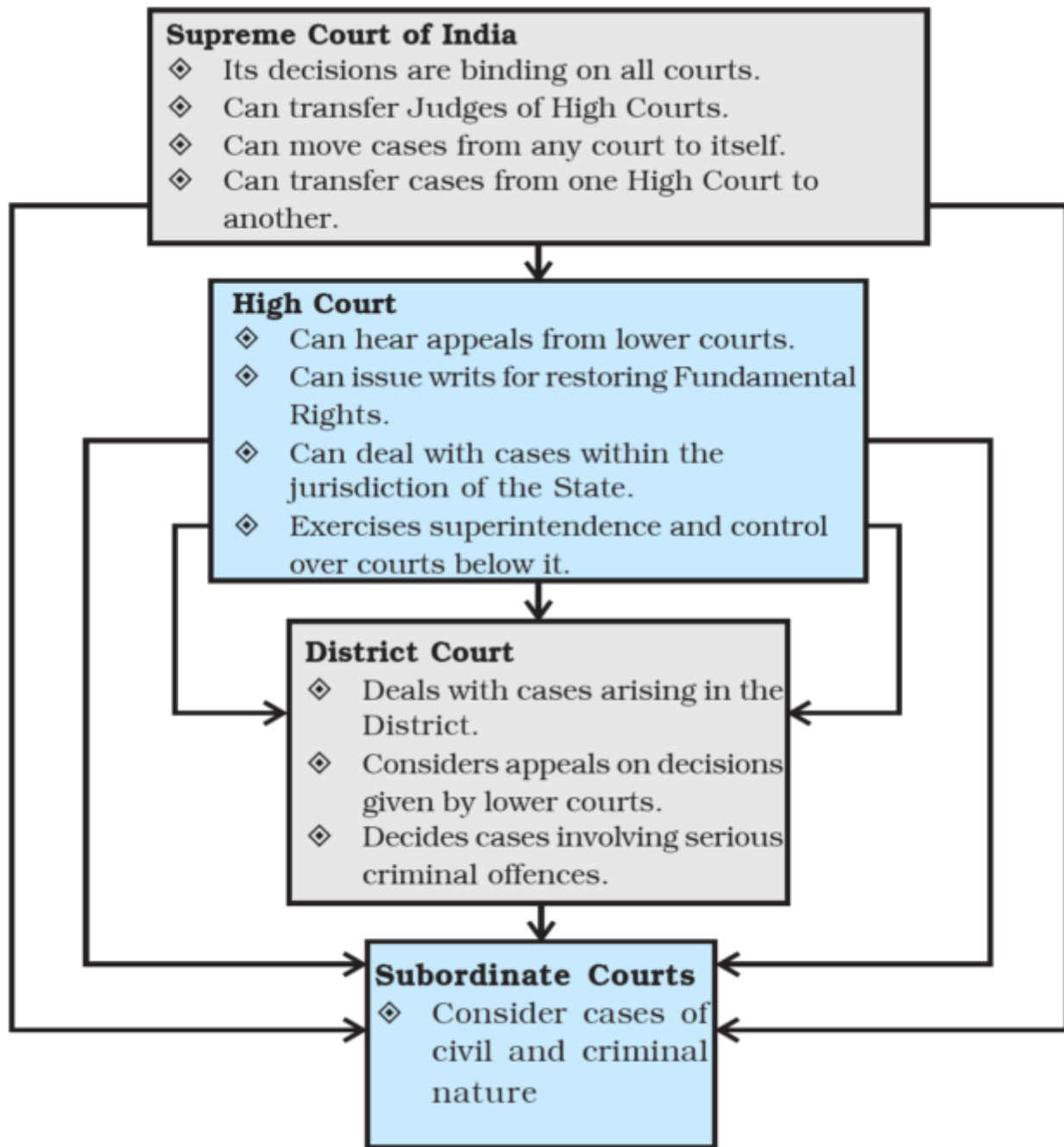
The Constitution provides for a number of provisions that ensure that the independence of the judiciary is maintained and protected. For more on this, you can check the below links.

[High Courts](#) | [Supreme Court of India](#)

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 organisation 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 files 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.

To know more about the apex court in India, i.e., the **Supreme Court of India**, click [here](#).

The SC has three types of jurisdictions. They are original, appellate and advisory. The [jurisdiction of the Supreme Court](#) are mentioned in Articles 131, 133, 136 and 143 of the Constitution.

Functions of Judiciary

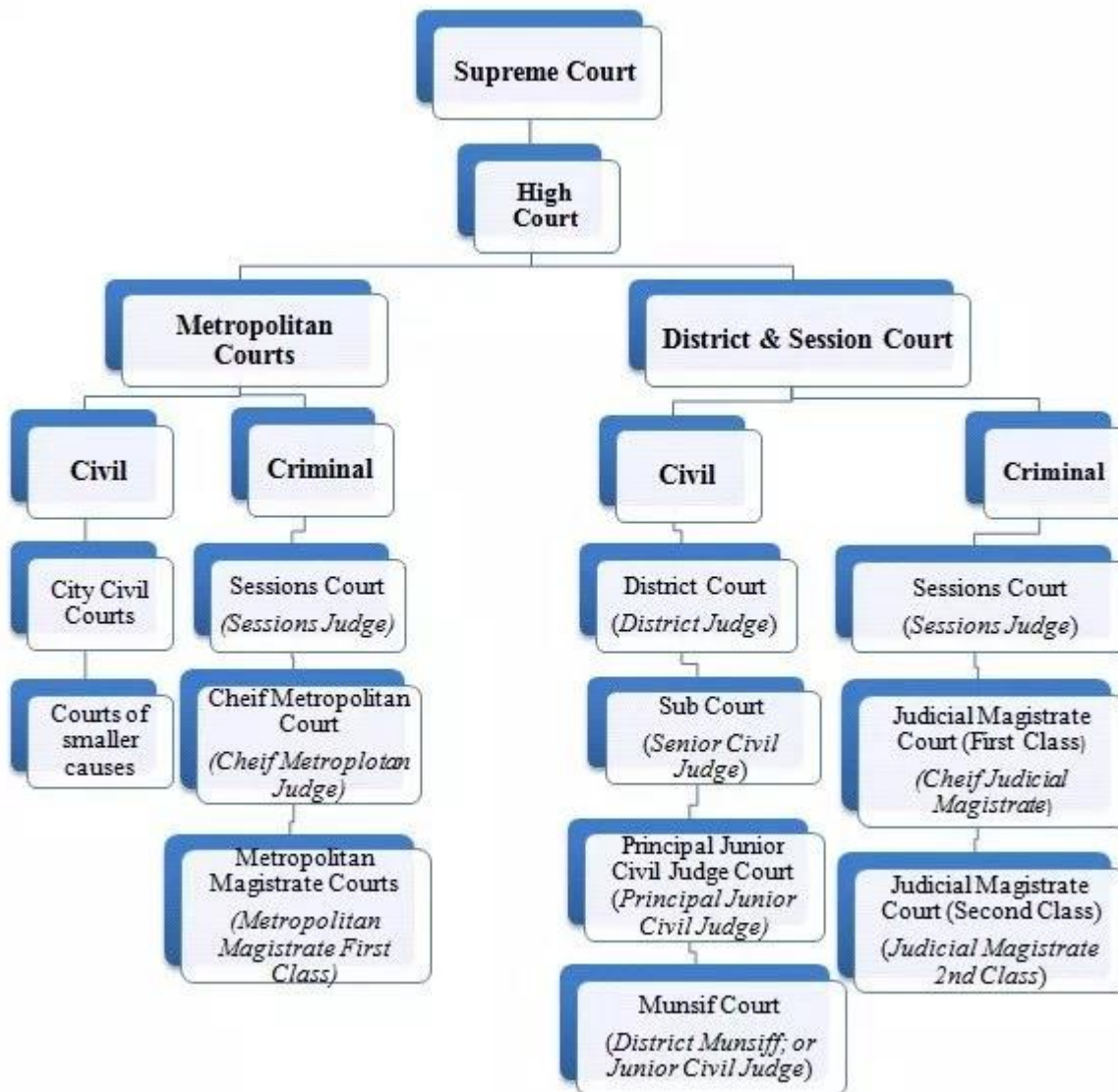
The functions of the judiciary in India are:

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.

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 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 relating 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.

UPSC Questions related to Judiciary in India

What is Article 124 A of Indian Constitution?

This article talks about the establishment and constitution of the Supreme Court.

What is the structure of Indian judiciary?

Judiciary in India has a pyramidal structure with the Supreme Court at the top.

What is obiter dictum in law?

Obiter dictum is an opinion or a remark made by a judge which does not form a necessary part of the court's decision.

What are the main function of judiciary?

The main function of the judiciary is to interpret and apply laws to cases.

