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## **FACULTY OF JURIDICAL SCIENCES**

**COURSE: B.A.LL.B. 1st Semester**

**SUBJECT: ADVANCE LEGAL WRITING SKILL-I**

**SUBJECT CODE: BAL 108**

**LECTURE: 8**

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# Lecture- 8



## **HIERARCHY OF COURTS IN INDIA**

The District Court of India are established by the State Government in India for every district or more than one district taking into account the number of cases, population distribution in the district. These courts are under administrative control of the High Court of the State to which the district concerned belongs. The District Court is presided over by one District Judge appointed by the State Government. In addition to the district judge there are many Additional District Judge and Assistant District Judge depending upon the workload.

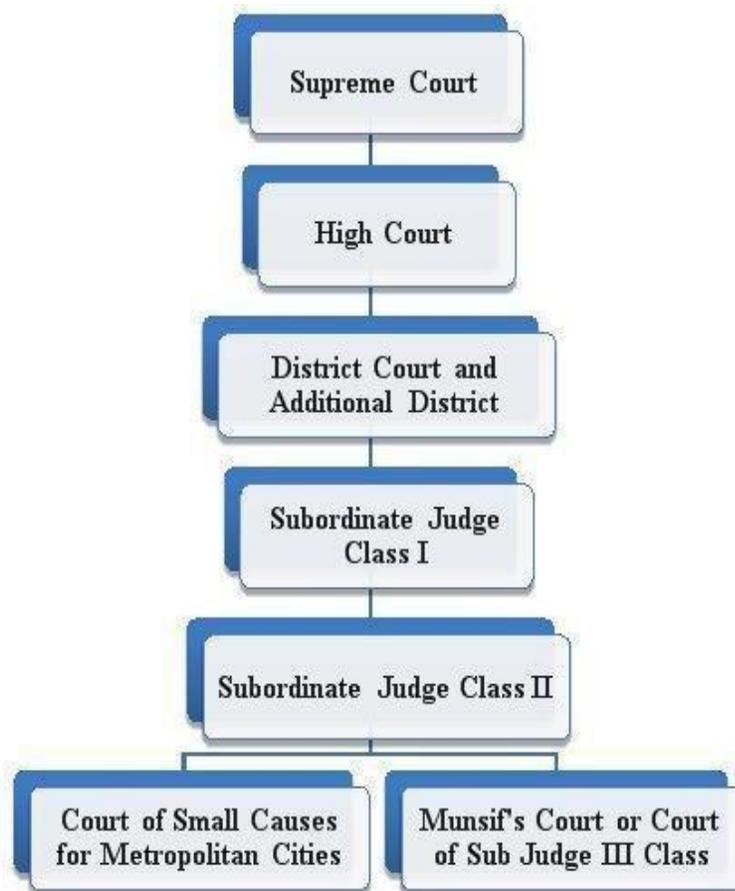
In every state, besides the High Court there are number of judicial Courts to administer justice. These courts function under the complete control and supervision of the High Court. A state has got exclusive Legislative competence to determine the constituent organization and territorial jurisdiction of all courts subordinate to the High Court. The organization of subordinate courts throughout the country is generally uniform. There are two type of law courts in every district; (i) Civil Courts (ii) Criminal Courts

The court of the district judges is the highest civil court in a district. It exercises both judicial and administrative powers. It has the power of superintendence over the courts under its control. The court of the District judge is located at the district headquarters. It has power of trying both civil and criminal cases. Thus he is designated as the District and Sessions Judge.

Below the court of the District Judge are the courts of Sub-judge, Additional Sub-Judge and Munsif Courts, which are located in the sub-divisional and district

headquarters. Most of the civil cases are filed in the court of the Munsif. A case can be taken in appeal from the court of the Munsif to the court of the sub-Judge or

the Additional Sub-Judge. Appeals from the courts of the sub- Judges and Additional sub-Judges shall lie in the District-Court. The Court of the District Judge has both original and appellate jurisdiction. Against the decision of the District judge an appeal-shall lie in the High Court.



Civil Court has been categorized on the basis of Jurisdiction:

- **Subject Matter Jurisdiction:** It can be defined as the Authority vested in the court to try and hear cases of the particular type and pertaining to a particular subject matter.
- **Territorial Jurisdiction:** The court can decide within the geographical limits of a court's authority and it cannot exercise authority beyond that territorial and geographical limits.

- Pecuniary Jurisdiction: Pecuniary Jurisdiction is related to money, whether a court can try cases and suits of monetary value/amount of the case or suit in question.

Appellate Jurisdiction: It refers to the authority of a court to rehear or review a case

that has already been decided by a lower court. Appellate jurisdiction is generally

vested in higher courts. In India, both the High Courts and the Supreme Court have

appellate jurisdiction to hear matters which are brought in the form of appeal

before them. They can either overrule the judgment of the lower court or uphold it.

# MCQ

**1. From which source India got the concept of Single order of court?**

- (A) Government of India Act, 1935
- (B) Government of India Act, 1919
- (C) Pitts India Act, 1773
- (D) None of the following

**Answer A**

**Explanation:** Government of India Act, 1935

**2. Which of the following statement is not true about India's Supreme Court?**

- (A) Article 124 to 147 and Part V of the Indian Constitution informs about the composition and powers of the Supreme Court?
- (B) The Supreme Court was inaugurated on January 28, 1950
- (C) At present, there are 35 judges in the Supreme Court
- (D) Judges of Supreme Court are appointed by the President of India

**Answer C**

**Explanation:** The strength of Supreme Court judges increased from 31 to 34, including the Chief Justice of India in Sept.2019.

**3. Which qualification is wrong for being a judge in the Supreme Court?**

- (A) It is compulsory to be a citizen of India.
- (B) He should be a respected jurist in the eyes of Parliament

- (C) Must be a judge in the High Court for at least 5 years
- (D) He should be a lawyer in the High Court for at least 10 years

**Answer B**

**Explanation:** In the eyes of the President, he should be a respected jurist.

**4. Which statement regarding the tenure of judges of the Supreme Court is not correct?**

- (A) Judge of the Supreme Court can remain in office till the age of 65 years.
- (B) Judge of the Supreme Court gives his resignation letter to the Chief Justice
- (C) On the recommendation of Parliament, he can be removed by the President.
- (D) Supreme Court judge can be removed only in the condition of misconduct.

**Answer B**

**Explanation:** A judge of the Supreme Court gives his resignation letter to the President.

**5. Who can remove the Judge of the Supreme Court?**

- (A) Chief Justice of the Supreme Court
- (B) Only President
- (C) Only Parliament
- (D) Both Parliament and President