

## **JUDICIARY**

- India's Union Judiciary primarily refers to the Supreme Court as the apex institution, with High Courts forming the state-level component of the integrated judicial system under Articles 124-147 (Supreme Court) and Articles 214-231 (High Courts).
- It ensures uniform justice, constitutional interpretation, and protection of fundamental rights through a hierarchical structure.
- The Supreme Court of India, established on January 28, 1950, serves as the apex judicial body, final appellate court, guardian of the Constitution, and enforcer of fundamental rights under Articles 124 to 147 of Part V, Chapter IV.
- It upholds judicial independence, resolves federal disputes, and exercises judicial review, with a sanctioned strength of 34 judges including the Chief Justice of India (CJI).

### **Articles 124-130: Establishment, Judges, Seat**

Article 124: Establishes the Supreme Court with CJI and up to 33 other judges (Parliament determines strength); judges appointed by President after CJI consultation (mandatory for non-CJI appointments), hold office till age 65, can resign or be removed per clause (4).

Article 124A: Defines National Judicial Appointments Commission (NJAC) for appointments—struck down as unconstitutional in 2015, reverting to collegium system.

Article 124B: Outlines NJAC functions for recommending appointments/transfers—ineffective post-strike down.

Article 124C: Empowers Parliament to regulate NJAC by law—rendered void.

Article 125: Salaries, allowances, pensions charged on Consolidated Fund, not varied adversely post-appointment except during financial emergency.

Article 126: President appoints acting CJI if CJI unavailable

Article 127: CJI can request retired judges for ad hoc duties with President's consent.

Article 128: Retired judges may sit/attend with President's request and CJI consent.

Article 129: Declares Supreme Court a court of record with contempt powers.

Article 130: Seat in Delhi; CJI may direct other places with Presidential approval.

### **Articles 131-142: Jurisdiction and Powers**

Article 131: Exclusive original jurisdiction in center-state disputes, inter-state disputes (excludes water disputes, treaties).

Article 132: Appellate jurisdiction in constitutional cases if High Court certifies substantial question of law.

Article 133: Civil appeals if High Court certifies value/case importance.

Article 134: Criminal appeals in death sentences or High Court certification.

Article 134A: High Courts issue appeal certificates.

Article 135: Inherits Federal Court jurisdiction under existing laws.

Article 136: Special leave to appeal any court/tribunal judgment (discretionary).

Article 137: Power to review its judgments/orders.

Article 138: Parliament may enlarge jurisdiction.

Article 139: Parliament confers writ powers (habeas corpus, mandamus, etc.).

Article 139A: Transfer cases between High Courts or to itself for substantial questions.

Article 140: Ancillary powers for complete justice.

Article 141: Law declared binding on all courts in India.

Article 142: Passes decrees/orders for complete justice, enforceable nationwide.

### **Articles 143-147: Advisory, Aid, Rules, Interpretation**

Article 143: Advisory jurisdiction—President seeks opinion on public importance questions or disputes.

Article 144: Civil/judicial authorities must aid Supreme Court.

Article 145: Court makes rules for procedure (minimum quorum 5 for constitutional cases); Parliament regulates.

Article 146: CJI appoints officers/servants; conditions by President.

Article 147: Terms like "law", "substantial question" interpreted; NJAC articles noted.

The collegium system (CJI + 4 senior judges) governs appointments post-judges' cases (1981-1998), ensuring independence despite NJAC attempt. No judge impeached yet; it safeguards basic structure via judicial review.

## **HIGHCOURTS**

- High Courts in India are the apex judicial institutions for states and Union Territories, established under Articles 214 to 231 (Part VI, Chapter V), serving as courts of record with writ powers, supervisory control over subordinate courts, and appellate jurisdiction.
- There are 25 High Courts with over 1,100 judges, appointed via the collegium system, ensuring constitutional supremacy and fundamental rights protection at the state level

### **Articles 214-218: Establishment and Judges' Conditions**

Article 214: Mandates a High Court for each state.

Article 215: Declares every High Court a court of record with all powers, including contempt punishment.

Article 216: Comprises Chief Justice and other judges as President deems necessary.

Article 217: Appointment by President after CJI and High Court Chief Justice consultation; age limit 62, tenure till age 62 or resignation/removal; disqualifications include office of profit, insolvency.

Article 218: Applies Supreme Court provisions (Articles 124(4), 125 salary protections, 128 retired judges) to High Courts mutatis mutandis.

### **Articles 219-224A: Oath, Practice, Salaries, Appointments**

Article 219: Oath/affirmation by judges before Governor or appointee.

Article 220: Permanent judges cannot practice before any court or authority in India post-retirement.

Article 221: Salaries charged on Consolidated Fund, not varied adversely; Chief Justice higher than judges.

Article 222: President may transfer judges between High Courts after consultation; compensation for transfers.

Article 223: President appoints acting Chief Justice if vacancy.

Article 224: Additional judges for temporary disposal (max 2 years); acting judges similarly.

Article 224A: Retired judges appointed for specific sittings with President's consent and Chief Justice request.

### **Articles 225-231: Jurisdiction, Control, Procedure**

Article 225: Preserves pre-Constitution jurisdiction, subject to Parliament/state laws.

Article 226: Power to issue writs (habeas corpus, mandamus, prohibition, certiorari, quo warranto) for fundamental rights or any purpose; broader than Supreme Court's Article 32.

Article 227: Superintendence over all subordinate courts/tribunals in territory.

Article 228: Transfers cases involving substantial Constitution questions to itself.

Article 229: Appointments/terms of High Court officers by Chief Justice.

Article 230: Parliament extends High Court jurisdiction to UTs.

Article 231: Parliament establishes common High Courts for multiple states/UTs (e.g., Punjab & Haryana High Court)

High Courts handle original jurisdiction (e.g., civil cases in presidency courts, fundamental rights), appellate (civil/criminal appeals), and review powers, with benches in major cities for accessibility.

## **DISTRICT COURT**

- District Courts form the backbone of India's subordinate judiciary, handling the bulk of civil and criminal cases at the grassroots level, presided over by District Judges with appellate and original jurisdiction within districts.
- Governed by Articles 233 to 237 (Part VI, Chapter VI), they operate under High Court control, with about 672 courts nationwide, comprising District Judges, Additional District Judges, and Assistant Judges.

### **Article 233: District Judges**

Appoints District Judges by the Governor in consultation with the High Court; only advocates or judicial officers eligible, barring civil service members unless prior judicial service. Recruitment ensures merit, with High Court input for independence.

### **Article 233A: Validation of Appointments**

Validates appointments of certain District Judges (post-1956), judgments delivered, and proceedings despite irregularities in procedure; deems them legally valid. Protects judicial continuity amid state law changes.

### **Article 234: Judicial Service Recruitment**

Governor recruits persons other than District Judges to state judicial service per High Court rules; High Court frames recruitment rules with Governor approval. Covers subordinate judiciary below District Judge level, like Civil Judges

### **Article 235: High Court Control**

High Court exercises complete control over District Courts and subordinates, including posting, promotion, leave for judicial service members below District Judge; appeals preserved per service laws. Ensures administrative and disciplinary oversight while safeguarding service rights.

### **Article 236: Interpretation**

Defines "District Judge" (principal civil original jurisdiction court head), "judicial service" (state service for subordinate courts), and excludes persons outside judicial cadre. Clarifies scope for consistent application.

### **Article 237: Magistrates Application**

Parliament applies Chapter VI provisions to certain magistrate classes, enabling uniform standards. Facilitates integration of executive magistracy into judicial framework where applicable.

District Courts exercise original jurisdiction in serious civil suits (pecuniary limits per state laws) and criminal sessions trials, with appeals to High Courts; they also supervise subordinate courts like Munsif/Civil Judge Courts.