

Chapter 6. The State Judiciary (The Subordinate Courts)

Very Short Questions

Question 1: Name the Courts at the District level?

Answer: The Courts at the District level are:
(i) Civil Courts (ii) Criminal Courts (iii) Revenue Courts.

Question 2: Mention two types of Subordinate Courts in a state.

Or

What are the two types of Subordinate Courts in States?

Answer: Two types of Subordinate Courts in a state are:
(i) Civil Court. (ii) Criminal Court.

Question 3: Who is the highest Judicial Officer in the District?

Answer: The District Judge is the highest Judicial Officer in a District.

Question 4: How are the District Judges in a State appointed?

Answer: The District Judges in a State are appointed by the Governor of the State in accordance with rules made by him after consultation with the State Public Revenue Commission and the High Court.

Question 5: Which is the highest Court of Justice for civil cases at the District level?

Answer: Civil Court—Court of District Judge.

Question 6: Name the highest Criminal Court in a District.

Answer: The Sessions Court.

Question 7: Who exercises control over the Judicial Magistrates?

Answer: High Court exercises control over the Judicial Magistrate.

Question 8: Who exercises control over the Executive Magistrates?

Answer: State Government exercises control over the Executive Magistrate.

Question 9: What is the designation of a District Judge when he deals with criminal cases?

Answer: When a District Judge deals with criminal cases he is called a Sessions Judge.

Question 10: When was the Criminal Procedure Act came into effect?

Answer: The Criminal Procedure Act came into effect on 31st March 1973.

Question 11: Which Court can award Death Sentence?

Answer: The Sessions Court can award a death sentence, which has to be confirmed by a High Court.

Question 12: What sentence can a Court of Judicial Magistrate of first class award in a case?

Answer: Court of Judicial Magistrate of first class can impose a fine of Rs. 1,000 and award imprisonment upto two years or both.

Question 13: Mention two different designations, which the highest Judicial Officer of a District holds.

Answer: The highest judicial officer in a district is the 'District Judge'. His other designation is 'District and Sessions Judge'.

Question 14: Which is the highest Revenue Court in a District?

Answer: The highest Revenue Court in a District is the Board of Revenue.

Question 15: What is the main job of a Collector in a District?

Answer: The main job of a Collector is the administration of a State.

Question 16: Which kind of cases does a Commissioner's Court take up?

Answer: The Commissioner's Court takes up the cases relating to assessment and collection of revenue.

Question 17: Which kind of cases does the Tehsildar's Court deal with?

Answer: The Tehsildar's Court deals with the cases relating to the assessment of land revenue and property tax.

Question 18: What is Board of Revenue?

Answer: This is the highest Revenue Court in a State. It works under the High Court. It hears appeals against the decision of Lower Revenue Court.

Question 19: Mention one reason why the system of Lok Adalat has become popular.

Answer: Lok Adalat has become popular because it works in the spirit of compromise and delivers Speedy and inexpensive justice.

Short Questions – I

Question 1: What are the qualifications required for a District Judge?

Answer: The following qualifications are required for a District Judge:

1. He/She must be a citizen of India.
2. He/She must have been an Advocate or a pleader for seven years in any Court of Law.
3. His/Her name must be recommended by the High Court for a post.

Question 2: What are the qualifications for the Judges other than the District Judge?

Answer: (i) He/She must have passed the competitive examination for State Judicial Service held by the State Public Service Commission.
(ii) He must have the requisite qualifications prescribed by the State Public Service Commission in consultation with the High Court.

Question 3: Name the different types of Civil Courts?

Answer: (i) Small Courts or Petty Courts. (ii) Munsif's Courts.
(iii) Court of the Civil Judge or Sub-Judge. (iv) Court of District Judge.

Question 4: Name the different types of Revenue Courts?

Answer: (i) Board of Revenue. (ii) Commissioner's Court. (iii) Collectors Court.
(iv) Tehsildar's Court. (v) Naib Tehsildar's Court.

Question 5: State one point of distinction between the District Judge and the Session Judge.

Answer: When a Judge sitting in the District Court hears cases on civil matters, he is a District Judge. Whereas, when he or she sits in the Session Court to hear criminal cases, he is termed as Session Judge.

Question 6: Mention one administrative function of a District Judge.

Answer: (i) The District Judge in his administrative capacity exercises supervision over all the Civil Courts in his District.
(ii) He maintains the leave and service records of all those working under him.

Question 7: Give two advantages of the Lok Adalat System of dispensing Justice.

Answer: (i) Time and money is saved.
(ii) The different Lok Adalat have relieved the law courts much of their heavy load of work.

Short Questions – II

Question 1: What is meant by Lok Adalat?

Answer: Lok Adalat: Lok Adalat means 'People's Court'. On the recommendation of Justice Bhagwati, Lok Adalats were set-up to provide legal and quick justice to those who are not in a position to engage lawyers or bear the expenses of legal proceedings. This eliminated high costs and delays in imparting justice. It is not only a faster and cheaper way of settling disputes, but it also relieves the courts of heavy backlog of cases. Voluntary organisations organise such courts at places like factories, farms, commercial complexes to settle disputes in the spirit of harmony and compromise.

Question 2: How do the Lok Adalats function?

Answer: Functioning of Lok Adalat: Lok Adalats are presided over by judicial officers and other persons, who possess such qualifications as may be prescribed by the State. They make an endeavour to bring compromise or agreement between the parties. On October 6, 1985 for the first time the Lok Adalats were held in Delhi. Justice P. N. Bhagwati inaugurated the Adalats. On the first day five Lok Adalats were held. On this day 116 persons received compensation to the tune of Rs. 35 lakhs. These people had been contesting their motor accident claims since 1978-79. Delhi Transport Corporation immediately made payment to the aggrieved parties. The Legal Services Authorities Act, 1987 provides that State or district authorities will organize Lok Adalats from time to time. All decisions of the Lok Adalats are now deemed to be decrees of a Civil Court and shall be binding on the parties to the dispute. Upto December 31, 1997 more than seventeen thousand Lok Adalats had been held in different parts of the country. They heard and settled about 68.86 lakh cases. In more than three lakh motor vehicles accident cases, compensation amounting to more than a thousand crore of rupees was awarded.

Question 3: Discuss in brief about the scope of Lok Adalats.

Answer: The concept of Lok Adalat is Gandhian in spirit and is consistent with the ideals enshrined in the Constitution of India. It is an extension of the Panchayat spirit in the Judicial System. The judges in the Lok Adalat are conciliators rather than legal Judges. They explain the legal points to the litigants in an informal manner. The great scope of Lok Adalats is in the factories where the disputes between employers and employees are frequent and also in various Government departments. They can also ameliorate the conditions of farm workers and unorganized workers of different sectors through their human approach.

Question 4: Discuss about the advantages of Lok Adalats.

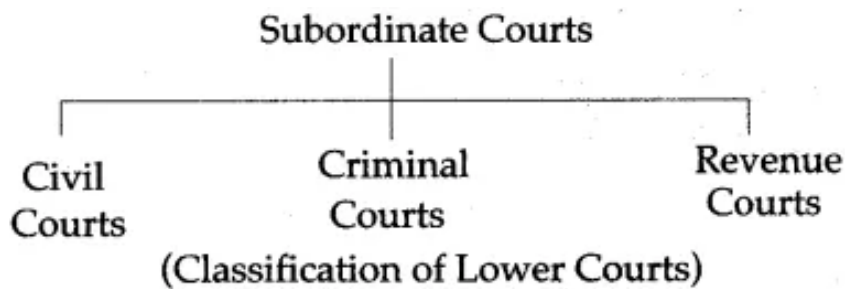
Answer: The Lok Adalats have been functioning in Delhi, Gujarat and some other States. They have the following advantages:

- (i) The Lok Adalats work in the spirit of compromise and understanding, as a result both the parties feel satisfied.
- (ii) It saves money, time and unnecessary harassment.
- (iii) The Lok Adalats can relieve the Law Courts of the heavy backlog of the cases.
- (iv) It reduces delay in the disposal of cases.

Long Questions

Question 1: Name the three types of courts at the district level. Explain the different categories of cases that fall under the jurisdiction of Civil Court.

Answer: Types of District Level Courts: The organization and structure of the Subordinate Courts are generally uniform throughout the country. The administration of justice in each district in India is entrusted to three types of Courts.



Civil Court: The District Civil Court is presided over by a District Judge who is also a Sessions Judge. It exercises both judicial and administrative powers. Civil Court hear cases related to disputes or cases related to land, property, money transactions, divorce and guardianship over a minor or a lunatic. These Courts are further graded from lowest level to the district level as given below:

(i) Court of the Civil Judge or Sub Judge: Next to the District Judge is the Court of a Civil or Senior Subordinate Judge or Sub Judge. This Court deals with cases involving a sum not more than Rs. 5,000. Appeals against this Court can be brought to the District Judge.

(ii) Subordinate or Munsif's Court: A Subordinate or Munsif Judge may be of first class or second class with varying jurisdiction. A Munsif deals with the civil cases involving not more than Rs. 2,000. Appeals against his decisions lie with the Sub Judge.

(iii) Small Court or Petty Court: The junior most Magistrates head these Courts. They deal with cases of nominal money value. There is no appeal against their decision.

Question 2: Explain the different categories of cases that fall under the jurisdiction of Criminal Court.

Answer: Criminal Courts: From 31st March, 1973, a new Criminal Procedure Act came into effect. Criminal Courts deal with criminal cases. These courts are divided into four categories:

- 1. The Session Courts:** The Session Court is the highest Criminal Court in a district. The District Judge of the Civil Court also works as the Session Judge. Cases of murder, dacoity, and of the sort are heard by the Sessions Judge. He can award Capital punishment subject to the approval of the High Court.
- 2. Court of Judicial Magistrates of First Class:** Below Session Court there is the Court of Judicial Magistrates of first class. It hears the appeals against the decisions of the second class Judicial Magistrates.
- 3. Court-of the Judicial Magistrate of Second Class:** The Second Class Magistrate can try cases involving imprisonment up to six months and fines upto Rs. 200/- or

both. He enjoys Original jurisdiction in all cases which come to him in the first instance.

4. **Court of the Judicial Magistrate of Third Class:** A Magistrate of this Court hears criminal cases of simple or individual quarrels and cases of rioting. He can award imprisonment for not more than one month and a fine upto Rs. 50.

Question 3: There are different categories of cases that are dealt by the Revenue courts. Discuss them.

Answer: Revenue Courts: These Courts deal with cases relating to the assessment and collection of land revenue as well as property tax. These Courts are divided into different categories which are given below in their descending order.

1. **The Board of Revenue:** The highest Revenue Court in a District is the Board of Revenue. It works under the High Court. It hears appeals against the decision of lower Revenue Courts.
2. **Commissioners Court:** A Commissioner, with the assistance of three to four Deputy Commissioners, look after the assessment and collection of revenue in his areas.
3. **Collectors Court:** This Court is generally headed by the Deputy Commissioner of a District. Besides discharging his original function as the administration of the District, he helps the revenue department in assessment and collection of revenue.
4. **Tehsildars Court:** A Tehsildar is responsible for collection of the revenue and property taxes as assessed by the Naib Tehsildar's.
5. **Naib Tehsildar's Court:** It is the lowest Court. It hears cases relating to the assessment of the land revenue and property taxes from farmers.

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