The Indian Court System

The Indian judiciary is a cornerstone of the Constitution of India, enshrined primarily in Part V (The Union), Chapter IV (The Union Judiciary) for the Supreme Court (Articles 124– 47), and Chapter V (The High Courts in the States) (Articles 214–231). Below is a structured overview of the key aspects of the Supreme Court, High Courts, and Subordinate Courts, based on constitutional provisions, landmark interpretations, and related laws.

Supreme Court of India

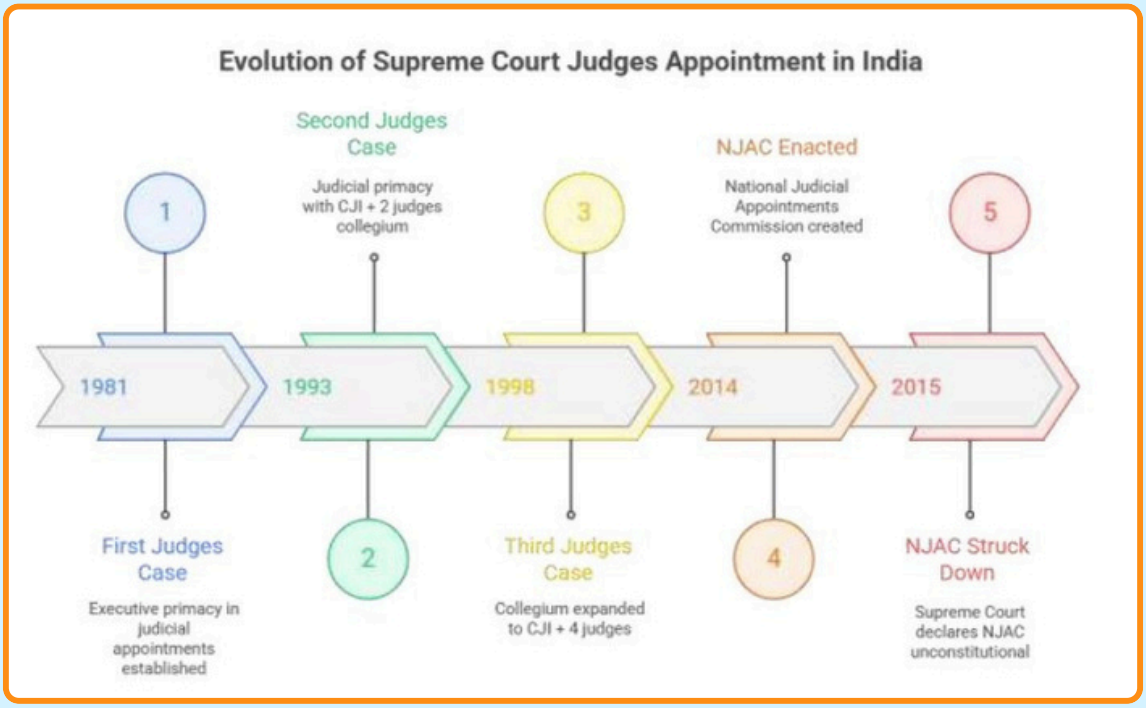
Constitutional Provisions

- **Part V, Chapter IV (Articles 124–147):** Establishes the Supreme Court as the apex judicial body, independent from the executive and legislature. It outlines composition, appointment, tenure, powers, and jurisdiction.

Appointment

- Article 124(2): The President appoints the Chief Justice of India (CJI) after consultation with the outgoing CJI (post the Second Judges Case, 1993). Other judges are appointed by the President in consultation with the CJI and senior judges.
- **Collegium System** (evolved through judicial pronouncements):
- **First Judges Case (1981):** Executive primacy in appointments.
- Second Judges Case (1993): Primacy to judiciary; CJI recommends, in consultation with two senior judges.

- Third Judges Case (1998): Collegium includes CJI + 4 senior-most judges for appointments/transfers.
- **National Judicial Appointments Commission (NJAC)** (99th Amendment, 2014) was struck down in 2015 (Fourth Judges Case) for violating judicial independence (Article 50).



Qualification

Article 124(3) :

- Citizen of India.
- Either: (a) Judge of a High Court for at least 5 years; or (b) Advocate of a High Court for at least 10 years; or (c) Distinguished jurist in the opinion of the President.
- No fixed age limit, but retirement at 65 years (Article 124(2)).

Process of Removal

- **Article 124(4):** Removal by the President on grounds of "proved misbehavior or incapacity."
- **Procedure (impeachment-like):**
- Address by each House of Parliament (Lok Sabha/Rajya Sabha) supported by a majority of total membership and 2/3rd of members present and voting.
- The President issues orders only after parliamentary approval.
- **Judges (Inquiry) Act, 1968:** Regulates the investigation process. Establishes a committee (CJI, a Supreme Court judge, and a High Court Chief Justice) to inquire. If substantiated, report to Parliament for motion.

Salary & Oath

The salary and oath of Indian judges are governed by the Constitution and specific parliamentary acts. The current salary structure was established by the Supreme Court and High Court Judges (Salaries and Conditions of Service) Amendment Act, 2018, and remains the standard for 2026.

1. Salary of Indian Judges (Monthly)

Judges in India receive a fixed basic salary along with several allowances.Their salaries are charged to the Consolidated Fund of India (for the Supreme Court) and the Consolidated Fund of the State (for the High Court), meaning they do not require an annual parliamentary

Salary and Allowance

Designation	Chief Justice of India (CJI)	Supreme Court Judges	Chief Justice of a High Court	High Court Judges
Basic Monthly Salary	₹2,80,000	₹2,50,000	₹2,50,000	₹2,25,000
Sumptuary Allowance	₹45,000	₹34,000	₹34,000	₹27,000

Key Perks & Benefits:

- **HRA:** 24% of basic salary (revised upward when Dearness Allowance crosses certain thresholds).
- **Post-Retirement:** Judges are entitled to a pension (roughly 50% of their last drawn salary) and a one-time gratuity of ₹20 Lakhs.
- **Other Allowances:** Free furnished housing, chauffeur-driven cars, fuel allowances, 24/7 security, and comprehensive medical coverage.

2. The Oath of Office

- The oath is a constitutional requirement before a judge assumes their duties. 7 It is found in the Third Schedule of the Constitution of India.

For Supreme Court Judges (Article 124)

- Administered by the President of India.

For High Court Judges (Article 219)

- Administered by the Governor of the State, the wording is nearly identical but specific to the High Court of that state.

3. District & Subordinate Courts

- Unlike the higher judiciary, the salaries of District Judges are determined by the State Governments based on recommendations from the National Judicial Pay Commission (NJPC).
- **Entry-level District Judge:** Approximately ₹1,44,840 – ₹1,94,660.
- **Civil Judge (Junior Division):** Approximately ₹77,840 – ₹1,36,520.

Retired Judges & Ad Hoc Judges

- **Article 124(7):** Judges retire at 65 but cannot plead/advise in any court or hold office of profit under government.

- **Acting Chief Justice (Article 126):** The President appoints a senior judge as acting CJI during a vacancy.
- **Ad Hoc Judges (Article 127):** CJI can request retired judges or High Court judges to sit and act as Supreme Court judges with President's consent (used rarely, e.g., during heavy backlogs).
- **Retired Judges' Commission (Article 128):** President may request retired judges to sit/act with CJI's assent.

Court of Records

- **Article 129:** Declared a "court of record," meaning:
- Proceedings are preserved for perpetuity.
- Judgments have evidentiary value and cannot be questioned collaterally.
- Contempt powers inherent (Article 129).

Seat of Supreme Court

- **Article 130:** Principal seat at Delhi, but CJI can appoint circuit benches with Presidential approval (rarely used; e.g., proposals for Northern/Eastern benches rejected).

Jurisdiction

- Jurisdiction is the legal authority or power a court or government has to hear a case and make a decision. It's the power to decide a legal matter within a specific geographic area or over a certain type of case.
- The Supreme Court has wide-ranging powers to ensure uniformity and constitutional supremacy

Type of Jurisdiction	Key Provisions	Details
Original	Article 131	Exclusive: Disputes between Union and States; State vs. State; Union vs. State on fundamental rights. Excludes inter-state water disputes (Article 262).
Appellate	Articles 132–134	• **Constitutional (132)**: Appeals from High Court if substantial constitutional question. • **Civil (133)**: From High Court in civil cases with CJI certificate. • **Criminal (134)**: From High Court if death sentence or substantial law question. • Right of appeal in civil cases > ₹20,000 (Article 133).
Special Leave Petition (SLP)	Article 136	Discretionary: Grants leave to appeal from any court/tribunal (except military). Used for correcting grave injustice; not a full appeal right (e.g., Pritam Singh v. State, 1950).

Revisory	Article 137	Power to review its own judgments/decisions (limited; e.g., on discovery of new evidence). Reviewed by the same bench or larger.
Advisory	Article 143	The President may seek opinion on questions of law/fact (non-binding; e.g., Delhi Laws Act, 1951; Golaknath reference).
Writ	Article 32	Original jurisdiction to issue writs (habeas corpus, mandamus, prohibition, certiorari, quo warranto) for fundamental rights enforcement. "Heart and soul" of Constitution (Dr. Ambedkar).

Other Important Provisions

- **Absolute Powers of Supreme Court (Article 142):** Enables "complete justice" in any cause/action. The court can pass any decree/order necessary (e.g., Vishaka Guidelines, 1997 for sexual harassment; Ayodhya verdict, 2019). Non-appealable and binding.
- **Article 145:** Rules of Supreme Court: CJI makes rules (with President's approval) for practice, procedure, and original/appellate jurisdiction. Minimum 5 judges for constitutional cases; quorum usually 5.

High Courts

Establishment & Creation

- **Article 214:** One High Court for each state (or group of states, e.g., Punjab & Haryana).
- **Article 217:** Parliament can establish common High Courts or alter boundaries via law.
- Currently **25 High Courts**; e.g., Bombay HC covers Maharashtra, Goa, etc.

Appointment

- **Article 217(1):** The President appoints Chief Justice and other judges after consultation with CJI, Governor, and sitting Chief Justice.
- **Collegium System:** Applies similarly (CJI + 2 senior judges recommend; state collegium for transfers).
- **Tenure:** Up to 62 years or until age 62 (Article 217(1)); acting Chief Justice during vacancy (Article 223).

Qualification

- **Article 217(2):**
  1. Indian citizen.
  2. Either: (a) High Court advocate for 10 years; or (b) Judicial officer for 10 years; or (c) Distinguished jurist.
- **No minimum age**, but must be under 62 at appointment.

Jurisdiction

Type of Jurisdiction	Key Provisions	Details
Original	Articles 215, 225	Civil/criminal suits of high value; revenue matters; company law; admiralty. Varies by High Court rules (e.g., Calcutta HC has extensive original jurisdiction).
Appellate	Articles 227, 228	- Appeals from subordinate courts in civil/criminal matters. - **Superintendence (Article 227)**: Supervisory over all courts/tribunals in state. - **Constitutional (Article 228)**: If substantial constitutional question, transfer to itself.
Writ	**Article 226**	Wider than Article 32: Writs for fundamental rights **or** any other purpose (e.g., legal rights). Can be issued to any person/authority (including private bodies if public function). Faster remedy; enforceable across India if cause of action arises. Landmark: Admiralty jurisdiction in some HCs.

- **Court of Record (Article 215):** Like the Supreme Court, with contempt powers.
- **Control over Subordinate Courts (Article 235):** Administrative control over district judiciary.

Subordinate Courts

Appointment

- **Articles 233–237:** Form the lower tier (District Courts, Sessions Courts, Munsif Courts, etc.).
- **District Judges (Article 233):** Appointed by the Governor in consultation with the High Court. Must be advocates or promoted judicial officers.
- **Subordinate Judicial Service (Article 234):** Recruited via state public service commissions; the High Court controls recruitment, postings, and promotions.

Other Provisions:

1. **Article 236:** Defines "District Judge" broadly.
2. **Article 233A:** Added by the 1967 Amendment for direct recruitment to the district judiciary.
3. **Tenure:** Until 62 years; removal by President on High Court recommendation (Article 217(4) extends).

- **Structure:** Varies by state (e.g., Civil Judge (Junior/Senior Division), Magistrates under CrPC).
- **Independence:** Salaries from Consolidated Fund; High Court superintendence ensures uniformity.
- This structure ensures a federal, independent judiciary upholding the rule of law. For full text, refer to the Constitution of India (as amended).