

Unit - 7

The Judiciary



Learning Objectives

- ▶ To trace the evolution of the Judicial system
- ▶ To understand the hierarchical structure of the Indian judiciary
- ▶ To explain the Jurisdiction of Supreme court, High Court and Subordinate Courts
- ▶ To understand the need for the independent Judiciary
- ▶ To know the differences between Civil Law and Criminal Law



"The excellence of the judiciary is a measure of the excellence of the government."

Introduction

The judicial system of a country needs to be efficient in order to ensure proper justice to all. India has a single unified and integrated judicial system. Judiciary plays an important role as an organ of the government. It administers justice, settles disputes, interprets laws, protects fundamental rights and acts as guardian of the Constitution.

Law: It is a system of rules imposed through a government or institution to govern people.

Judiciary: In law, the Judiciary or Judicial system is the system of courts which administers Justice in the name of the State.

Evolution of Indian Judiciary

a. Judiciary during ancient period

During ancient times, the concept of justice was linked with religion. The king was regarded as the fountain head of Justice. Most

of the Kings' courts dispensed justice according to 'dharma', (righteousness and duty) a set of conventional laws, Dharmic laws governed not only the individual but also the society.

Smiritis

In ancient India Smiritis included Manusmiriti, Naradasmiriti, Yajnavalkya smiriti etc.

The republics of Ganas had their own system of law. We find the existence of Kulika court. Amongst the Vajjis, there was a board of eight Kulikas for the investigation of Criminal cases. Appeal proceeded from Kula courts to Gana Courts.

b. Judiciary during Medieval period

The Tughlaq period saw the compilation of the code of civil procedure. It was called Fiqha-e-Feroze Shahi. The code prescribed details of the procedure and the law in several matters. It was written in Arabic and was