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# 6

## Subordinate Courts

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### Exercises

#### Multiple Choice Questions

- |         |         |         |        |         |
|---------|---------|---------|--------|---------|
| 1. (a)  | 2. (a)  | 3. (d)  | 4. (b) | 5. (a)  |
| 6. (d)  | 7. (a)  | 8. (b)  | 9. (b) | 10. (a) |
| 11. (d) | 12. (b) | 13. (d) |        |         |

### **Short-Answer Questions**

1. Mention two types of subordinate courts in a State.

**Ans.** Civil Courts and Criminal Courts.

2. Name the courts at the district level.

**Ans.** The administration of justice in each district in India is entrusted to three types of courts :

- (i) Civil Courts,
- (ii) Criminal Courts, and
- (iii) Courts of Revenue.

3. How are the District Judges in a State appointed?

**Ans.** The District Judges are appointed by Governor in consultation with the Chief Justice and other Judges of the concerned High Court.

4. Describe the various stages of Civil Courts in order of ascent.

**Ans.** Civil Judge Junior Division (Temporary) holds jurisdiction of ₹1 – ₹10000. Civil Judge Junior Division (Permanent) holds jurisdiction of ₹1 – ₹25,000. Civil Judge Senior Division holds jurisdiction of ₹25001 – unlimited in UP, Delhi (up to ₹20 lakhs), Mumbai (upto ₹50,000) and Chennai (up to ₹10 lakhs). The highest civil court in a district is the court of District Judge.

5. Name the highest civil court in a district.

**Ans.** The highest civil court in a district is the Court of District Judge.

6. Describe the functions of the Criminal Courts in their ascending order.

**Ans.** Criminal Courts or Sessions Courts in the districts are divided into four categories :

**(a) Court of the Second Class Magistrates :**

Comparatively, certain serious criminal cases are dealt with by these Magistrates. They can sentence a person to imprisonment for not more than 1 year or impose a fine of ₹5000 or both.

- (b) **Court of the First Class Magistrates:** These Magistrates take up still more serious criminal cases and award imprisonment up to three years or a fine up to ₹10,000 or both. They can hear appeals against the decisions of Magistrates Class II.
- (c) **Court of Chief Judicial Magistrate (CJM):** Called as Chief Metropolitan Magistrate in Metro Cities, these Magistrates can't pass a sentence of death or life imprisonment. They can pass a sentence of imprisonment for a maximum duration of 7 years.
- (d) **The Sessions Court :** The highest criminal court in a district is the Sessions Court. The District Judge of the Civil Court also works as the Sessions Judge. Additional District Judges also function as Additional Sessions Judges. Cases of murder, dacoity and violence are heard by the Sessions Judge. He can award capital punishment, subject to the approval of the High Court.

7. What are the functions of the Sessions Court?

**Ans. The Sessions Court :** The highest criminal court in a district is the Sessions Court. When a District Judge (DJ) decides criminal cases, he is referred to as the sessions Judge (SJ). Additional District Judges also function as Additional Sessions Judges. Cases of murder, dacoity and violence are heard by the Sessions Judge. He can award capital punishment, subject to the approval of the High Court.

8. What are the duties of the First Class and the Second Class Magistrates?

**Ans. (a) Court of the First Class Magistrates:** These Magistrates take up serious criminal cases and award imprisonment up to three years or a fine up to ₹10,000 or both. They can hear appeals against the decisions of Magistrates Class II.

(b) **Court of the Second Class Magistrates :** Comparatively, certain less serious criminal cases are dealt with by these Magistrates. They can sentence a person to



imprisonment for not more than 1 year or impose a fine of ₹5000 or both.

9. Name the highest court dealing with the criminal cases at the district level.

**Ans.** The Sessions Court.

10. Mention one administrative power of a District Judge.

**Ans.** One of the administrative functions of a District Judge is to supervise over all the Civil Courts in his District.

11. Describe the entire set-up of the Courts of Revenue at the district level.

**Ans.** Courts of Revenue are divided into four categories.

(a) **Naib Tehsildar's Court** : Naib Tehsildars are mainly concerned with the assessment of the land revenue and property taxes.

(b) **Tehsildar's Court** : A Tehsildar is responsible for the collection of the revenue and property taxes as assessed by the Deputy Tehsildars.

(c) **Collector's Court** : Helps the revenue department in the process of assessment and collection besides discharging his original duties as the administrator of the district.

(d) **Commissioner's Court** : A Commissioner generally has three to four Deputy Commissioners under him. He looks after the assessment and collection of revenues in his area.

12. What is a Board of Revenue?

**Ans. Board of Revenue** : The highest authority in the field of revenue in a State is the Board of Revenue. It hears appeals against the decisions of all the Lower Courts of Revenue under it.

13. Describe any two reforms introduced by the Criminal Procedure Act of 1973.

**Ans.** (i) No person can be kept in police custody for more than 15 days.

- (ii) The practice of demanding surety for good behaviour from habitual offenders has been extended to black-marketeers, smugglers and other anti-social elements.

### Structured Essay-Type Questions

1. With reference to the Civil Courts in a district, answer the following :

- (a) How are Civil Courts organised in a district?
- (b) How do they work?

**Ans.** (a) Civil Judge Junior Division (Temporary) holds jurisdiction of ₹1 – ₹10000. Civil Judge Junior Division (Permanent) holds jurisdiction of ₹1 – ₹25,000. Civil Judge Senior Division holds jurisdiction of ₹25001 – unlimited in UP, Delhi and Presidency towns.

- (b) Civil Court exercise jurisdiction in cases related to land, property and monetary transaction, arbitration, marriage, divorce, guardianship and will.

2. Keeping in mind the Criminal Courts in a district, explain the following :

- (a) Organisation of the Criminal Courts in a district.
- (b) Their functions and powers.

**Ans.** (a) Criminal Courts or Sessions Courts in the districts are divided into three categories.

- (i) Court of the Second Class Magistrates
- (ii) Court of the First Class Magistrates
- (iii) The Sessions Court

- (b) Criminal Courts or Sessions Courts in the districts are divided into four categories :

- (i) **Court of the Second Class Magistrates:** Comparatively, certain serious criminal cases are dealt with by these Magistrates. They can sentence a person to imprisonment for not more than 1 year or impose a fine of ₹5000 or both.
- (ii) **Court of the First Class Magistrates:** These Magistrates take up still more serious criminal



cases and award imprisonment up to three years or a fine up to ₹10,000 or both. They can hear appeals against the decisions of Magistrates Class II.

(iii) **Court of Chief Judicial Magistrate (CJM) :** Called as Chief Metropolitan Magistrate in Metro Cities, these Magistrates can't pass a sentence of death or life imprisonment. They can pass a sentence of imprisonment for a maximum duration of 7 years.

(iv) **The Sessions Court :** The highest criminal court in a district is the Sessions Court. The District Judge of the Civil Court also works as the Sessions Judge. Additional District Judges also function as Additional Sessions Judges. Cases of murder, dacoity and violence are heard by the Sessions Judge. He can award capital punishment, subject to the approval of the High Court.

3. With reference to the working of the Courts of Revenue in a district, answer the following :

- (a) How are the Courts of Revenue organised in a district?
- (b) What are their functions and powers?

**Ans.** (a) The Courts of Revenue are organised in a district into four categories :

- (i) Naib Tehsildar's Court
- (ii) Tehsildar's Court
- (iii) Collector's Court
- (iv) Commissioner's Court

(b) Courts of Revenue are divided into four categories.

- (i) **Naib Tehsildar's Court :** Naib Tehsildars are mainly concerned with the assessment of the land revenue and property taxes.
- (ii) **Tehsildar's Court :** A Tehsildar is responsible for the collection of the revenue and property taxes as assessed by the Deputy (Naib) Tehsildars.
- (iii) **Collector's Court :** Helps the revenue department in the process of assessment and collection besides

discharging his original duties as the administrator of the district.

- (iv) **Commissioner's Court** : A Commissioner generally has three to four Deputy Commissioners under him. He looks after the assessment and collection of revenues in his area.

4. With reference to the Lok Adalats, explain the following :

- (a) Meaning of the Lok Adalats.
- (b) Working of the Lok Adalats.
- (c) Advantages of the Lok Adalats.

- Ans.** (a) **Meaning of the Lok Adalat** : 'Lok Adalat', as is clear from its very name means. 'The People's Court'. It is a sort of a voluntary forum comprising a few public spirited people including Supreme Court judges, lawyers, students and social workers. They persuade the opposite parties at dispute to bring their cases before them for speedy settlement.
- (b) Special judges are appointed to decide cases in Lok Adalat. As a result large number of cases are decided in a single day. Newly appointed judges eliminate the delay and speed up clearance of the pending cases.
- (c) The Lok Adalats have some advantages of their own. The parties at dispute soon agree to such a proposal of speedy settlement of their disputes being tired of already too much delay and botheration. The regular law courts, already under the stress of too much load, provide every help to the parties concerned to consult the relevant files piling up under their charge. Then in the spirit of give and take, conciliatory atmosphere and without the feeling of victory or defeat the negotiated settlements are reached much to the relief of the different parties.