

INDIAN JUDICIAL AND LEGAL SYSTEM

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CIVIL LAW SYSTEM VS COMMON LAW SYSTEM

JUDICIAL SYSTEM DURING ANCIENT PERIOD

- The first known source of law in India was classical Hindu law. “Dharma” deals with legal and religious duties. The main sources of Hindu Law or “Dharma” are Veda, Smriti, and Aâchâra.
- Smritis defined obligations, practices, and teachings of religion that an individual needs to practise in society.
- ‘Dharmashastra’ contains information such as the principles of law, duties of the king, manner of evidence, and witnesses.
- ‘Achâra’ was the customary norm of a particular society. Achâra was used in matters where Vedas and Smritis were silent.

JUDICIAL SYSTEM DURING THE MUGHAL EMPIRE

- During the reign of the Mughal Empire, Mahakuma-e Adalat was found to provide justice to the people.
- Quran, Sunna and Hadis, Ijma, and Qiyas were the primary sources of Muslim law.
- Fiqh-e-Firoz Shahi and Fatwai-i-Alamgiri were the principles governing the judicial procedure.
- Hierarchy is divided as –
 - At Capital level
 - At State Level
 - At District level
 - At Parganas level
 - At village level

INDIAN LEGAL SYSTEM DURING THE BRITISH REIGN

- The East India Company established the judicial system in India during the British era by creating Mayor's Courts in Madras, Bombay, and Calcutta formulated under the Charter of 1726 and governed under the common law.
- Charter of 1753 – re-established mayor courts.
- Regulating Act of 1773 – Adalats and SC at Calcutta are established.
- Government of India Act, 1919
- Government of India Act 1935 – federal court is established.



JUDICIAL SYSTEM POST INDEPENDENCE

- Constitution of India empowers the central and state government to establish courts in the territory of India.
- Civil Courts V Criminal Courts
- Quasi- Judicial bodies / Tribunals
- Original Jurisdiction V Appellate Jurisdiction
- Advisory Jurisdiction
- Public Interest Litigation
- Independence of Judiciary



FUNCTIONS OF JUDICIARY

To give Justice to people

Interpretation and Application of Laws

Role in Law-making

Equity Legislation

Protection of Rights

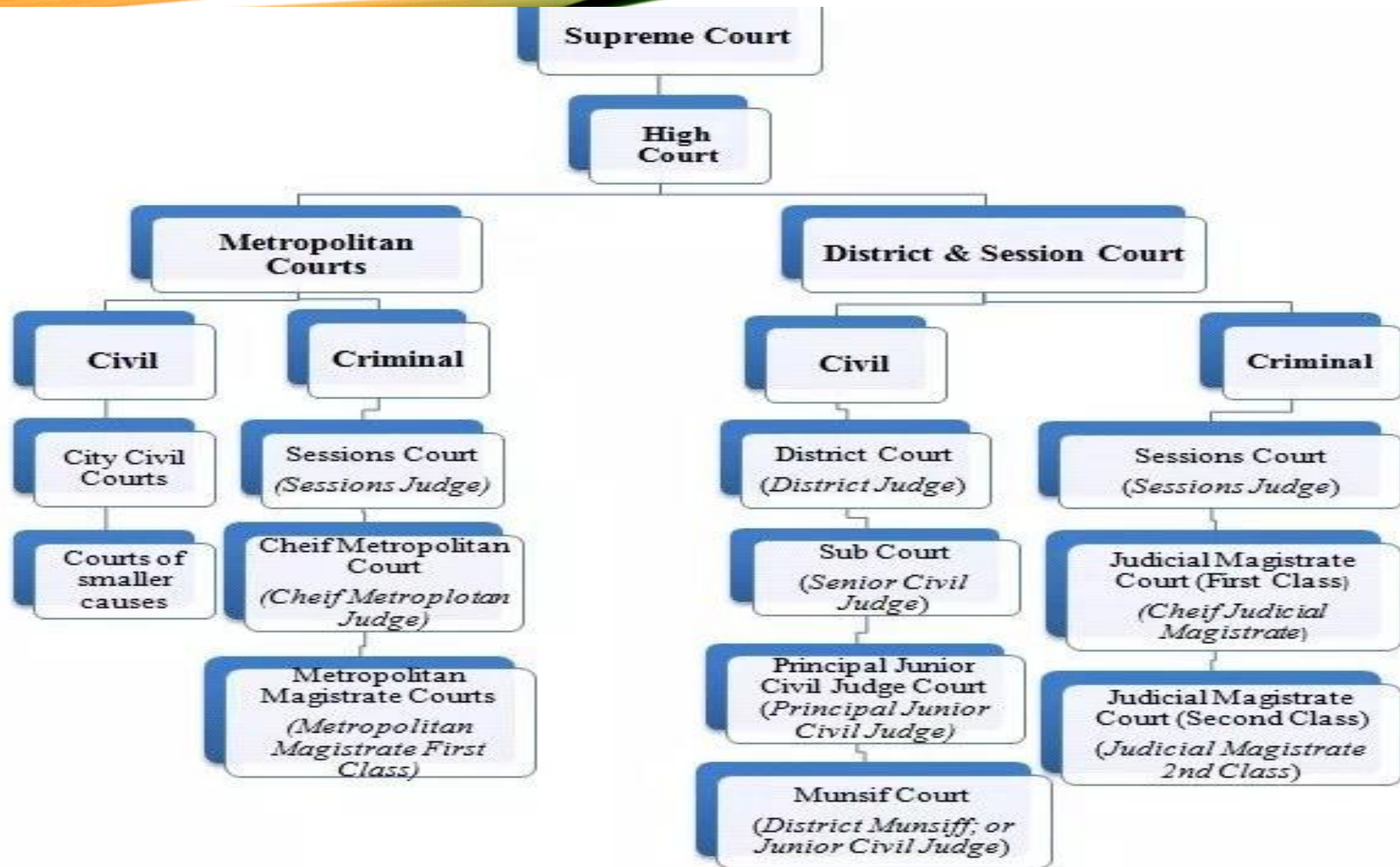
Guardian of the Constitution

Power to get its decisions and judgements enforced.

Special role in a federation

Advisory Functions

To conduct Judicial Inquiries





TYPES OF JURISDICTION

Subject Matter Jurisdiction

Territorial Jurisdiction

Pecuniary Jurisdiction

Appellate Jurisdiction



ANY QUESTIONS?