BLOGS

Hierarchy of Courts in India

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TABLE OF CONTENTS

Introduction
Hierarchy of Civil Courts
Hierarchy of Criminal Courts
Courts for other matters
Conclusion

Introduction

Understanding the hierarchy of courts, both civil and criminal, is the foundational aspect of navigating the Indian judiciary as students and even as laymen. While civil courts enforce civil law which governs disputes between private persons or organizations, criminal courts enforce criminal law which deal with offences that affect the peace and tranquility of the society. The maximum punishment the civil courts can grant is compensation, whereas criminal courts can impose fines and imprisonment.

This article will offer a lucid description of the hierarchy of civil and criminal courts along with the jurisdiction of these courts.

Note: *Jurisdiction as being followed in the state of Tamil Nadu is referred to for the purpose of this article.*

Hierarchy of Civil Courts

Suits relating to right to property, restitution of conjugal rights, rent, damages for breach of contract, etc. are suits of civil nature which can be entertained by civil courts. The jurisdiction of Civil Courts is two- fold, namely territorial jurisdiction, and pecuniary jurisdiction. **Sections 15 to**

20 of the Code of Civil Procedure, 1973 provides for the territorial jurisdiction of civil courts. The pecuniary jurisdiction of civil courts is mandated by the Tamil Nadu Civil Courts and Chennai City Civil Courts (Amendment) Act, 2010.

Hierarchy of Civil Courts (Non-Metropolitan Areas)

The hierarchy and pecuniary jurisdiction of civil courts in non-metropolitan areas are as follows.

1. Supreme Court: It is the Apex Court and has writ jurisdiction, appellate jurisdiction and advisory jurisdiction. Articles 124 to 147 lays down the provisions for the composition and jurisdiction of the Supreme Court. The Supreme Court's decisions are binding on all the subordinate courts.
2. High Courts: There are 25 High Courts in the country and all of them have writ jurisdiction, appellate jurisdiction and revisional jurisdiction. However, the High Courts of Calcutta, Bombay and Madras enjoy original civil jurisdiction. Incidentally, these were first three High Courts set up in the country (in the year 1862), with the Calcutta High Court being the oldest. The Madras High Court also has a pecuniary jurisdiction of above Rs.25 lakhs. All Courts within the jurisdiction of each High Court are subject to its supervision. It has the authority to request reports from these Courts as well as establish general guidelines to govern their practises and procedure.
3. District Courts: The district courts have unlimited jurisdiction to try civil cases with a suit value of more than Rs.10,00,001 but up to Rs.25 lakhs.
4. Sub- Courts: The sub-courts can try civil cases with a suit value of more than Rs.1,00,001 but less than Rs.10,00,000.
5. Principal District Munsif Court: The Munsif Courts are the lowest courts that can try civil cases in non-metropolitan areas. These courts can hear suits with value up to Rs. 1 lakh.

Hierarchy of Civil Courts (Metropolitan Areas)

1. Supreme Court: The jurisdiction of the Supreme Court is same as in case of non-metropolitan areas.
2. High Court: The Madras High Court has original jurisdiction before the principal seat in Metropolitan areas and entertains cases with suit value of over 1 crore.

3. Principal City Civil Court: Principal City Civil Court in Metropolitan area entertains cases worth over 10,00,001 but less than 1 crore.
4. Assistant City Civil Court: The Assistant City Civil Courts can entertain cases with a suit value up to 10 lakhs.
5. City Civil Court: This Court is also known as Small Causes Court, and can hear suits worth up to Rs.20,000. The cases heard by Small Causes Court are mostly MCOPs (Motor Claims Original Petitions), and RCOPs (Rent Control Original Petitions), among others.

Hierarchy of Criminal Courts

The hierarchy of criminal courts in India are follows.

1. Supreme Court
2. High Courts
3. Courts of Session
4. Courts of Chief Judicial Magistrate (CJM)/ Courts of Chief Metropolitan Magistrate (CMM)
5. Courts of Judicial Magistrate of the First Class (JMFC)/ Courts of Metropolitan Magistrates (MM)
6. Courts of Judicial Magistrates of Second Class

For detailed information on hierarchy of criminal courts and their jurisdiction, refer to our previous article titled ***Notes on Introduction to CrPC- History, Definitions, Stakeholders.***

Courts for Other Matters

There are instances wherein the Executive takes up the functioning of the Judiciary, and these are classified as Courts for other matters. The following functionaries perform functions of the criminal courts as per the provisions of CrPC.

1. District Magistrate (DM): The District Magistrate is the highest Executive Magistrate officer of the district, and is appointed under Section 20(1) of the Code of Criminal Procedure, 1973. The District Collector performs the role of the District Magistrate in a district. The DM has the responsibility to maintain law and order, conduct criminal courts of the Executive Magistrate and supervise the other executive magistrates who are subordinate in position. All Executive

Magistrates except Additional District Magistrates (ADM) are subordinate to the DM as per Section 23(1) of CrPC.

2. Sub-Divisional Magistrate (SDM): An Executive Magistrate in charge of a sub-division is called a Sub-Divisional Magistrate, and is appointed under Section 20(4) of the Code of Criminal Procedure, 1973. The SDM is subordinate to the District Magistrate. The Revenue Divisional Officer (RDO) performs the role of the Sub-Divisional Magistrate in a district. The SDM has the same rights and responsibilities like the Executive Magistrate.
3. Executive Magistrate (EM): The Executive Magistrates are appointed by the State, unlike the Judicial Magistrates, who are appointed by the respective High Courts. The appointment of Executive Magistrates is carried out under Section 20 of the Code of Criminal Procedure, 1973. Generally, the Tahsildar carries out the functions of an Executive Magistrate in a district.
4. Special Executive Magistrates (SEM): The Special Executive Magistrates are appointed by the State under Section 21 of CrPC for a particular period to perform a particular function and have all the powers of the Executive Magistrate.

Conclusion

To summarize, the hierarchy of civil courts is distinct in metropolitan areas and non-metropolitan areas. The pecuniary jurisdiction also differs in both the cases. In case of hierarchy of criminal courts, the distinction between the courts is the difference in quantum of punishment they are permitted to grant. The Courts for other matters comprise the Executive taking up the role of the Judiciary and acting as Executive Magistrates on various levels. On the whole, the hierarchy of courts in their existing manner make way for seamless functioning of the Judiciary.