

Indian Legal System

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Court Structure

Supreme Court



High Court



District Court



Lower Courts

Supreme Court & High Courts

- Supreme Court
 - Original Jurisdiction – Art. 131
 - Writ Jurisdiction – Art. 32
 - Appellate jurisdiction – Art. 132, 133, 134
 - Advisory Jurisdiction – Art. 143
- High Courts – Art. 226 and Art. 227

Civil & Criminal Court Judiciary

- Civil Court
 - District Judge
 - Civil Judge Senior Division
 - Civil Judge Junior Division
- Criminal Court
 - Sessions Court
 - Magistrate Court
- Commercial Court

Civil Litigation

- Civil Suit
- Plaintiff – One who files a case
- Defendant – One who defends a case
- Complaint and Written Statement (WS)
- Appeal
- Appellant
- Respondent

Criminal Litigation

- Complaint
- Police Case
 - Complaint/FIR to the Police, Police Investigation, Chargesheet
 - Bailable and Non-Bailable offences
 - Bail Application in Court in Non-Bailable offences
- Private Case
- Complainant
- Accused
- Imprisonment and/or Fine

Evidence

- Oral and Documentary
- Presumptions
- Circumstantial Evidence
- Burden of Proof
 - Criminal Cases
 - Proof beyond Reasonable Doubt
 - Benefit of Doubt to the Accused Person
 - Principle - No innocent person should be punished

Courts & Tribunals

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Difference between Courts and Tribunals

Courts	Tribunals
Traditional Judicial Institution	Quasi-Judicial Institution
Provisions of CPC and Evidence Act applicable	CPC not applicable strictly, Principles of Natural Justice followed
Power to try all suits of a civil nature	Power to try cases of special matter which are conferred on them by statutes

Courts & Tribunals

- Central Administrative Tribunal (CAT)
- National Company Law Appellate Tribunal (NCLAT)
- Income Tax Appellate Tribunal (ITAT)
- National Green Tribunal (NGT)
- Armed Forces Tribunal (AFT)
- Water Disputes Tribunals

Courts & Tribunals

► Advantages

- Special Quasi-Judicial Institutions
- Fast-Track and Speedy disposal
- No strict adherence to procedural Laws
- Chairpersons and Members of Tribunals are experts in the respective fields.
- Principles of Natural Justice followed

Regulators

- Securities Exchange Board of India (SEBI)
- Competition Commission of India (CCI)
- Telecom Regulatory Authority of India (TRAI)

Laws

- Substantive Laws – Transfer of Property Act, Indian Contract Act, Rent Acts,
- Procedural Laws- Code of Civil Procedure, Criminal Procedure Code, Indian Evidence Act, Limitation Act, Court Fees Act
- Statute- By Legislature
- Rules and Regulations- By Executive

Laws (contd..)

- Under Seventh Schedule of Constitution
 - Central List – Statutes by Parliament
 - State List – Statutes by State Legislature
 - Concurrent List – Statute by both, in conflict, Central law prevails
- Courts can handle any of these laws