



## **MARS & Partners**

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### **INDIAN JUDICIAL SYSTEM**

The main sources of law in India are the Constitution, statutes (legislation), customary law and the case law. The statutes are enacted by the Union Parliament, state legislatures and union territory legislatures.

### **SUPREME COURT OF INDIA**

On top of the Indian Judicial System, is the Supreme Court of India which at present has one seat, i.e. in the capital city of Delhi only, without any bench in any part of the nation. Supreme Court is presided by the Chief Justice of India with 25 Judges. Depending upon the nature and technicality of any matter, the justice is delivered by the Apex Court through various benches, such as the Divisional benches of 2 and 3 judges; the Full benches of 3 or 5 judges or constitutional bench of 5 or 7 Judges.

### **HIGH COURT**

Immediately below in higherarchy the Supreme Court, are the High Court in Every State has a High Court, which works under the direct guidance and supervision of the Supreme Court of India, and is the uppermost court in that state, and generally the last court of regular appeals.

### **COURTS SUBORDINATE TO THE HIGH COURT**

***District & Session Courts*** – District courts are primarily Civil Courts to hear generally the appeals from the courts of original civil jurisdiction in the Districts, whereas sessions are primarily Criminal Courts.

***Labour Courts*** - These Courts normally found in every District, are the courts of original jurisdiction under the provisions of various Labour Laws and enactments, including powers to enforce various rules framed under those enactments. Appeal and revision from the judgments and orders of the subordinate original Labour Courts and officers are taken up by city civil & Sessions courts.

***Accident Claim Tribunals*** – This tribunal tries only the Claims of the victims of various road and rail accidents. Though there are very few rail Accident tribunals, however there is generally at least one Motor Accident Claims Tribunals in every district

***Revenue Tribunals and Other Subordinate Revenue Courts*** – There are various revenue Tribunals and other subordinate revenue Appellate bodies in the administrative hierarchy of the Revenue Departments of various State Governments to hear the matters pertaining to the land revenue and other relevant laws of various states

***Special Courts*** – The governments from time to time also appoint certain Special Courts to try particular matters deemed to be very important for public life, and for expeditiously trying these matters, which are mainly treated as very grave and heinous compared to the actual charges of sections framed against the persons tried, mainly as leading public enemies



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**Administrative Tribunals** – Administrative tribunals are for the purpose of conducting various disciplinary actions against their senior and other government employees, as well as for their grievance Redressal.

**Co-operative Courts** – These courts are courts with original jurisdiction, formed for hearing the cases directly filed under the various Co-Operative Laws, and also in the form of appeal against certain administrative orders of the Co-Operative Registrars and Sub-Registrars.

**Co-operative Registrar & Sub-Registrar** – Works as per the assignment and powers granted under various Co-Operative laws, and generally hold supervisory judicial powers including those of revision of the orders of the Sub-Registrars of Co-Operatives, directly subordinate to them. Sub-registrar is officers of the lowest rank, who can entertain and decide various applications under various Co-Operative Laws

### **TRIBUNALS**

<b>Name of the Tribunal</b>	<b>Description of matters handled by It</b>
<b>Central Administrative Tribunal</b>	Adjudication of disputes relating to recruitment and conditions of service of persons appointed to Indian public services in Union Government
<b>Company Law Board (CLB)</b>	It is an appellate board for matters relating to company/ corporate affairs.
<b>Central Information Commission (CIC)</b>	New of its kind, it is the highest authority to grant access to Indian citizen to their Right to Information
<b>Customs, Excise &amp; Service Tax Appellate Tribunal (CESTAT)</b>	Highest Appellate authority to deal with matters relating to customs, excise and service tax laws
<b>Competition Commission</b>	This commission is set up for settlement of disputes regarding MRTP and competition.
<b>Debt Recovery Tribunal (DRT) / Debt Recovery Appellate Tribunal (DRAT)</b>	Matters pertaining to recovery of debts exceeding a certain limits are dealt with by the DRT under the provisions of Debt Recovery Act. Appeal against the orders of DRT goes to DRAT.
<b>Income Tax Appellate Tribunal (ITAT)</b>	Appeals against the order passed by Commissioner of Income tax are finally settled by ITAT only.
<b>Intellectual Property Appellate Board (IPAB)</b>	An appellate board for the matters pertaining to intellectual property which includes copyright, trademarks, Patents, industrial designs and geographical indications.
<b>National Consumer Dispute Redressal Commission (NCDRC)</b>	It deals with the matters relating to the provisions of Consumer Protection Act
<b>Securities Appellate Tribunal</b>	Appellate tribunal dealing with cases relating to SEBI and company affairs
<b>State Administrative Tribunal</b>	Established on lines of CAT, these state level



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	bodies deal with the service matter of employees serving the State Government
<b>Telecom Dispute Settlement &amp; Appellate Tribunal (TDSAT)</b>	It settles disputes regarding telecom laws.