



Ready For Boards
10th & 12th Exam Prep

CHAPTER 1

Judiciary

CBSE Class 12 Legal Studies · Unit 1

CBSE · Legal Studies · Class 12

WHAT THIS CHAPTER DOES

A

Memorise the four-level court hierarchy (SC/HC/District/Subordinate) with Article numbers.

B

Explain the Collegium system and the Three Judges Cases.

Boards prep that builds confidence, not anxiety.

TODAY'S MISSION

Today's mission

1

Memorise the four-level court hierarchy (SC/HC/District/Subordinate) with Article numbers.

2

Explain the Collegium system and the Three Judges Cases.

3

State the Kesavananda Bharati doctrine of basic structure with named elements.

4

Distinguish tribunals from regular courts with examples (ITAT, CAT, NGT).

WHY THIS MATTERS

Why this chapter matters

1

Opens Class 12 Legal Studies. Establishes the framework every later chapter assumes.

2

5-7 marks every board paper. Hierarchy + Collegium + Judicial Review are the highest-marking clusters.

3

Civil-services-bound students: directly tested in UPSC Polity and CLAT GK.

TOPIC

A

The hierarchy of courts

THEOREM · LOAD-BEARING RESULT

Four levels of the Indian court hierarchy



India has a unified, four-level judicial hierarchy — Supreme Court (apex) → High Courts (state) → District Courts → Subordinate Courts — with specialised courts and tribunals operating parallel to this main structure for specific subject-matter areas.

STATEMENT

SUPREME COURT (Article 124):
CJI + up to 33 judges, apex of the hierarchy; jurisdiction original/appellate/advisory/writ; decisions bind all courts in India (Article 141).
HIGH COURTS (Article 214): one per state or group of states/UTs;

WHY THIS MATTERS

- This hierarchy is the most-asked question in the chapter (~95% of papers)
- Mastering it earns 5 marks reliably and provides the framework for every other question in the unit.

WATCH OUT FOR

NOTE Do NOT forget to mention specialised courts (Family Courts, Lok Adalats, Commercial Courts) and tribunals — examiners reward students who include these. The Article numbers (124, 214, 226, 233) **MUST** be cited.

TOPIC

Composition + jurisdiction at each level

SUPREME COURT — ARTICLE 124

Composition: Chief Justice of India + up to 33 other judges (sanctioned strength 34). Established 26 January 1950. Original jurisdiction (Art 131): disputes between Centre and states. Appellate jurisdiction (Arts 132-134): final court of appeal. Advisory jurisdiction (Art 143): President may seek opinion

HIGH COURTS — ARTICLE 214

Each state (or group of states/UTs) has one High Court. India has 25 HCs (largest: Allahabad with 160+ judges; smallest: Sikkim with 3). Composition determined by the President. Chief Justice + other judges. Jurisdiction: original (Article 226 — writs for FR + 'any other purpose', a WIDER writ power than the SC)

DISTRICT COURTS — ARTICLE 233

Each district has District Courts — District Judge (civil) and Sessions Judge (criminal). Often the same person holds both posts. The District Judge is appointed by the Governor in consultation with the High Court. Original jurisdiction (civil and criminal disputes within district above certain

SUBORDINATE + SPECIALISED + TRIBUNALS

Below District: Civil Judges (Senior + Junior Division), Munsif Courts, Judicial Magistrates First Class / Second Class. Specialised courts: Family Courts (since 1984), Lok Adalats (since 1987), Fast Track Courts, Commercial Courts. TRIBUNALS operate parallel to the HC level on specialised subjects: ITAT

TOPIC

B

Appointment, removal, independence

THEOREM · LOAD-BEARING RESULT

The Collegium system



Judges of the Supreme Court and High Courts are appointed through the COLLEGIUM SYSTEM — a judicially-developed process established through the Second (1993) and Third (1998) Judges Cases, replacing the executive-dominated process originally envisaged in Article 124(2).

STATEMENT

Collegium for SC: CHIEF JUSTICE OF INDIA + four senior-most SC judges. Collegium for HC: CJI + two senior-most SC judges.
Process: Collegium deliberates and PROPOSES names. Names go to the central government

WHY THIS MATTERS

- Appointment of judges is asked in ~90% of board papers
- The Collegium system is also a current-affairs topic — every few years it returns to public debate
- Knowing the system + its evolution + its criticism earns 5 marks and impresses examiners with civic awareness

WATCH OUT FOR

NOTE Do NOT confuse Collegium for SC (CJI + 4) with Collegium for HC (CJI + 2). Do NOT forget the Three Judges Cases timeline (1981, 1993, 1998) — examiners frequently ask 'which case established the Collegium?'. Do NOT forget NJAC + 2015 striking down.

TOPIC

Key facts on appointment, tenure, removal

QUALIFICATIONS (SC JUDGE)

Article 124(3) lists three eligibility routes: (a) at least 5 years as a Judge of a High Court (the most common route — most SC judges are HC Chief Justices elevated through the Collegium); (b) at least 10 years as an Advocate of a High Court; (c) a 'distinguished jurist' in the opinion of the President — used very rarely (Justice S

RETIREMENT AGES

SUPREME COURT judges retire at 65 (Article 124(2)). HIGH COURT judges retire at 62 (Article 217(1)). DISTRICT and Subordinate judges retire at 60 in most states (state service rules vary). The age gradient reflects experiential demand. The Constitution prescribes these ages; raising them would require a constitutional

REMOVAL PROCEDURE (ARTICLE 124(4))

An SC/HC judge can be removed only by an order of the PRESIDENT, after a strict process: (1) Motion in either House, signed by ≥ 100 Lok Sabha or ≥ 50 Rajya Sabha members. (2) Inquiry committee — SC judge + HC judge + distinguished jurist — investigates. (3) Special majority (2/3 of members

INDEPENDENCE OF JUDICIARY

Judicial independence is protected through: (1) security of tenure (cannot be removed at will); (2) fixed salaries charged to Consolidated Fund of India (not subject to parliamentary vote); (3) conduct of judges cannot be debated in Parliament except on a removal motion (Article 121); (4) separation from executive (judiciary

TOPIC

C

Judicial review and the basic-structure doctrine

THEOREM · LOAD-BEARING RESULT

Judicial review



JUDICIAL REVIEW is the power of the Supreme Court and High Courts to examine the constitutionality of laws and executive actions, and to **STRIKE DOWN** those that violate the Constitution. It is the mechanism that makes the Constitution truly supreme over all branches of government.

STATEMENT

Sources in the Indian Constitution: Article 13 (laws violating fundamental rights are void), Article 32 (SC writ jurisdiction for FR enforcement — 'soul of the Constitution'), Article 226 (HC writ jurisdiction — wider than SC's),

WHY THIS MATTERS

- Judicial review is the **SECOND** most-asked topic in this chapter after court hierarchy
- Combined with Kesavananda Bharati, it accounts for ~14% of chapter marks
- Mastering this earns 5 marks reliably and supports answers in many other questions about the Constitution.

WATCH OUT FOR

NOTE Judicial review is **NOT** a court veto. The court applies **LEGAL TESTS** — basic structure, fundamental rights, ultra vires — not personal preference. The court must give a reasoned judgement explaining **WHICH** constitutional provision is violated.

TOPIC

Kesavananda Bharati and basic structure

THE CASE (1973)

KESAVANANDA BHARATI v STATE OF KERALA (1973) — a 13-judge Constitution Bench (the largest ever in Indian history) delivered a 7-6 majority decision on 24 April 1973. The lead petitioner Swami Kesavananda Bharati, a religious-mathadhipathi of Edneer Mutt in Kerala, challenged Kerala's land-reform laws under Article

WHAT THE COURT HELD

Parliament has wide power under Article 368 to amend the Constitution, INCLUDING amendments that affect fundamental rights — BUT it cannot DESTROY the BASIC STRUCTURE of the Constitution. The court did not exhaustively define 'basic structure' but listed elements including: supremacy of Constitution

WHY IT MATTERS

This judgement established three foundational principles: (1) PARLIAMENT IS NOT SUPREME — the CONSTITUTION is supreme. (2) Even constitutional amendments are subject to judicial review. (3) Basic structure is JUDICIALLY DETERMINABLE — courts identify elements case by case. The basic-structure

SUBSEQUENT JURISPRUDENCE

Post-Kesavananda, the SC has applied the basic-structure doctrine to strike down constitutional amendments where they damaged: (1) judicial independence (NJAC case 2015); (2) free + fair elections (Indira Gandhi case 1975); (3) separation of powers and rule of law (Minerva Mills 1980); (4)

TOPIC

Collegium vs President

TRAP → TRUTH

× **MISTAKE** The President of India alone appoints Supreme Court judges.

✓ **CORRECT** The President formally appoints SC judges (Article 124(2)), but only AFTER consultation with the COLLEGIUM — a body comprising the Chief Justice of India + four senior-most SC judges (extended Collegium for SC, three-member for HC). The Collegium proposes names; the President is constitutionally bound to follow them after the 1993 Second Judges Case. The system has been criticised (proposed NJAC was struck down in 2015) but remains the law. Confusing 'President appoints' with 'President alone decides' is the most common 2-mark loss.

TOPIC

Removal procedure

TRAP → TRUTH

× **MISTAKE** A judge can be removed by a simple presidential order.

✓ **CORRECT** Removal of an SC/HC judge requires a STRICT process under Article 124(4): (1) MOTION moved in either House of Parliament; (2) signed by ≥ 100 Lok Sabha members OR ≥ 50 Rajya Sabha members; (3) referred to a 3-member inquiry committee (judge from SC + judge from HC + distinguished jurist); (4) inquiry report tabled; (5) motion passed by SPECIAL MAJORITY (2/3 of members PRESENT AND VOTING + majority of TOTAL membership) in BOTH Houses in same session; (6) addressed to President for removal. NO judge has been successfully removed in India to date (V. Ramaswami 1993 — motion failed in Lok Sabha; Soumitra Sen 2011 — resigned before final vote).

TOPIC

Judicial review = veto

TRAP → TRUTH

× **MISTAKE** Judicial review means the Supreme Court can veto any law it dislikes.

✓ **CORRECT** JUDICIAL REVIEW is NOT a discretionary veto — it is the power of courts to STRIKE DOWN laws/ executive orders that VIOLATE the Constitution. The court applies LEGAL TESTS (e.g., basic structure, fundamental rights, ultra vires), not personal preference. Striking down requires reasoned judgement explaining WHICH constitutional provision is violated. Kesavananda Bharati (1973) established that even Parliament's constitutional amendments are reviewable if they damage the basic structure. The court does not WRITE laws — it tests existing laws against the Constitution.

TOPIC

Tribunals vs courts

TRAP → TRUTH

× **MISTAKE** Tribunals are the same as courts.

✓ **CORRECT** Tribunals are QUASI-JUDICIAL bodies — they decide disputes (like courts) but follow simpler procedures, are usually specialised (tax tribunal, administrative tribunal, consumer disputes redressal), and may include non-legal experts on the bench. Established under Article 323A (administrative tribunals) and 323B (other tribunals). Differences from courts: (1) less rigid procedure; (2) faster resolution; (3) specialised subject expertise; (4) limited scope (only the matters specified by their parent law); (5) appeals from tribunals usually lie to the High Court. Examples: ITAT (Income Tax Appellate Tribunal), CAT (Central Administrative Tribunal), NGT (National Green Tribunal), NCDRC (National Consumer Disputes Redressal Commission).

TOPIC

SC judge retirement age

TRAP → TRUTH

× **MISTAKE** All Indian judges retire at 60.

✓ **CORRECT** Different courts have different retirement ages: SUPREME COURT judges retire at 65 (Article 124(2)). HIGH COURT judges retire at 62 (Article 217(1)). DISTRICT/SUBORDINATE judges retire at 60 in most states (varies by state service rules). The retirement-age difference is INTENTIONAL — it reflects the higher experiential demand on apex courts. Memorise: 65 (SC), 62 (HC), 60 (subordinate) — a frequent 2-mark question.

TOPPER TEMPLATE · MARK-BY-MARK

5 marks: Explain the structure and hierarchy of courts in India.

1 SUPREME COURT (APEX)

1 m

The SUPREME COURT OF INDIA, established under Article 124 of the Constitution, sits at the apex of the judicial hierarchy. It comprises the Chief Justice of India and up to 33 other judges (sanctioned strength of 34). Its jurisdiction: ORIGINAL (Article 131 — disputes between Centre and states), APPELLATE (Articles 132-134 — appeals from High Courts), ADVISORY (Article 143 — opinions sought by President), WRIT (Article 32 — enforcement of fundamental rights). The SC is the final court of appeal; its decisions bind all other courts in India. Each STATE (or group of states/UTs) has a HIGH COURT, established under Article 214. There are 25 High Courts in India. The HC is the highest court of the state, with composition determined by the President (varies — Allahabad HC has 160 judges, Sikkim HC has 3). Jurisdiction: ORIGINAL (Article 226 — writs for fundamental rights + 'any other purpose'), APPELLATE (over subordinate courts), and SUPERVISORY (Article 227 — supervision over all subordinate courts within its territory). High Courts hear constitutional and statutory matters and are courts of record.

2 HIGH COURTS (STATE-LEVEL)

1 m

3 DISTRICT COURTS

1 m

Below the High Court, each DISTRICT has DISTRICT COURTS — the highest civil court of the district (District Judge) and Sessions Court (Sessions Judge, hearing criminal matters). The District Judge has both ORIGINAL and APPELLATE jurisdiction over civil cases in the district. District judges are appointed by the Governor in consultation with the High Court (Article 233).

4 SUBORDINATE + SPECIALISED COURTS

1 m

Below the District level are SUBORDINATE COURTS — Civil Judges (Senior Division and Junior Division), Munsif Courts, Judicial Magistrates First Class / Second Class for criminal matters. ADDITIONALLY, India has specialised courts: Family Courts (Family Courts Act 1984), Lok Adalats (Legal Services Authorities Act 1987), Fast Track Courts, Commercial Courts. Specialised TRIBUNALS (CAT, ITAT, NGT, etc.) operate parallel to the hierarchy for specific subject-matter.

5 THE HIERARCHY WORKS AS APPEAL-CHAIN

APPEAL CHAIN: Munsif/Magistrate → District Judge → High Court → Supreme Court. A litigant unhappy with a lower court's verdict can appeal upward, subject to monetary or legal thresholds. This

TOPPER TEMPLATE · MARK-BY-MARK

5 marks: Explain the appointment of Supreme Court judges through the Collegium system.

1 CONSTITUTIONAL BASIS — ARTICLE 124

1 m

ARTICLE 124(2) of the Constitution provides that every SC judge shall be appointed by the PRESIDENT OF INDIA by warrant under his hand and seal after consultation with such judges of the Supreme Court and the High Courts as the President may deem necessary. The Constitution itself does not define the consultation process; this has been clarified through three landmark Supreme Court judgements — known as the Three Judges Cases.

2 EVOLUTION — FIRST → SECOND → THIRD JUDGES CASES

1.5 m

(1) FIRST JUDGES CASE (1981) — President's 'consultation' meant consultation but not concurrence; executive had primacy. (2) SECOND JUDGES CASE (1993) — Court held 'consultation' actually means CONCURRENCE of CJI; established the COLLEGIUM SYSTEM. (3) THIRD JUDGES CASE (1998) — Clarified Collegium composition: CJI + four senior-most SC judges. Together these three judgements transferred judicial-appointment primacy from the executive to the judiciary.

3 COLLEGIUM COMPOSITION + PROCESS

1 m

The COLLEGIUM for SC appointments comprises: CHIEF JUSTICE OF INDIA + FOUR SENIOR-MOST SC JUDGES. For HC appointments: CJI + two senior-most SC judges. The Collegium meets, deliberates, and proposes names to the central government. The government may return the file ONCE with reasons; if Collegium reiterates, the government is bound to appoint.

4 QUALIFICATIONS FOR SC JUDGE

1 m

Article 124(3): To be appointed an SC judge, a person must be a citizen of India AND must have been (a) a Judge of a High Court for at least 5 years, OR (b) an advocate of a High Court for at least 10 years, OR (c) a distinguished jurist in the opinion of the President. In practice, the bulk of SC judges are HC Chief Justices elevated by the Collegium.

5 NJAC AND ITS STRIKING DOWN

0.5 m

In 2014 Parliament passed the 99th Constitutional Amendment + NATIONAL JUDICIAL APPOINTMENTS COMMISSION Act, replacing the Collegium with a 6-member body including the executive and lay members. In the

TOPPER TEMPLATE · MARK-BY-MARK

5 marks: Explain the doctrine of judicial review with reference to the Kesavananda Bharati case.

1 DEFINE JUDICIAL REVIEW

1 m

JUDICIAL REVIEW is the power of the Supreme Court and High Courts to examine the constitutionality of laws passed by Parliament or state legislatures, and of executive orders issued by central or state governments. If a law or order violates the Constitution, the court can DECLARE IT UNCONSTITUTIONAL and strike it down. Judicial review is a CORE feature of constitutionalism — it ensures that no organ of state can exceed its constitutional limits.

2 SOURCE IN THE INDIAN CONSTITUTION

1 m

Although the Constitution does not explicitly use the phrase 'judicial review', several provisions empower it: Articles 13 (laws violating fundamental rights are void), 32 (SC's writ jurisdiction for FR enforcement), 226 (HC writ jurisdiction), 131-136 (SC appellate jurisdiction), 137 (review of own judgements), 141 (SC decisions bind all courts), 142 (complete justice power). Together these provisions create a robust review architecture.

3 KESAVANANDA BHARATI CASE (1973)

1.5 m

KESAVANANDA BHARATI v STATE OF KERALA (1973) — a 13-judge Constitution Bench decision (the largest ever), delivered by 7-6 majority. The case asked: can Parliament amend the Constitution to take away fundamental rights? The Court answered: YES, Parliament has wide amending power UNDER ARTICLE 368, BUT it cannot DESTROY the BASIC STRUCTURE of the Constitution. The court left 'basic structure' undefined but listed elements including: supremacy of Constitution, republican/democratic form, secular character, separation of powers, federalism, unity and integrity, judicial review, rule of law, individual freedom.

4 SIGNIFICANCE AND SUBSEQUENT APPLICATION

1 m

Kesavananda Bharati is the FOUNDATIONAL precedent of Indian constitutional law. It established (1) Parliament is NOT supreme — the Constitution is; (2) basic structure is JUDICIALLY DETERMINABLE; (3) judicial review extends EVEN to constitutional amendments. Subsequent decisions (Indira Nehru Gandhi v Raj Narain 1975, Minerva Mills 1980, S.R. Bommai 1994, NJAC 2015) applied this doctrine to strike down amendments and laws found to damage the basic structure.

5 LIMITS OF JUDICIAL REVIEW

JUDICIAL REVIEW is NOT unlimited. The court does not review (1) political questions (e.g., admission of states), (2) money bills (Article 110), (3) certain matters expressly excluded (Article 31-A, B, C in specific contexts). Also,

PYQ PATTERNS



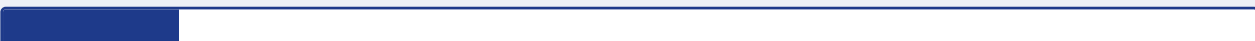
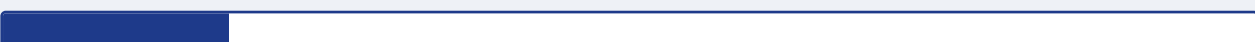


Top PYQ patterns to drill

#1	Explain the structure and hierarchy of courts in India from the Supreme Court down to subordinate courts. (5 marks)	Annual
#2	Discuss the composition, qualifications, and tenure of Supreme Court judges (Article 124). (5 marks)	Annual
#3	What is the Collegium system? How are judges of the Supreme Court appointed? (4-5 marks)	Most years
#4	Explain the doctrine of judicial review with reference to Kesavananda Bharati case. (5 marks)	2021, 2023
#5	What are tribunals? Distinguish them from regular courts. (3-4 marks)	2020, 2022, 2024

MARKS DISTRIBUTION

10-year marks distribution

10-YEAR PYQ MARKS DISTRIBUTION

Structure + hierarchy of courts		22%
Supreme Court — composition, jurisdiction (Articles 124, 131-136)		20%
High Courts — composition, jurisdiction (Article 214)		14%
Appointment + removal of judges (Article 124(4), Collegium)		18%
Judicial review + Kesavananda Bharati		14%
Tribunals (Article 323A/B) + ADR overview		12%

RECAP · MEMORISE THESE

Recap — what you must know cold

1 Four-level hierarchy —
SC (Art 124) → HC (Art 214) → District (Art 233)
→ Subordinate.
Specialised + Tribunals parallel.

2 Article cheat-sheet —
124 = SC, 214 = HC, 226
= HC writs, 32 = SC
writs, 141 = SC decisions
bind all, 124(4) =
removal.

3 Retirement ages — SC =
65, HC = 62, subordinate
= 60. Set by
Constitution;
amendment needed to
change.

4 Collegium — SC: CJI + 4
senior judges. HC: CJI +
2 senior judges.
Established Second
Judges Case 1993;

5 Judicial review —
Articles 13, 32, 226, 137.
Test: basic structure,
fundamental rights, ultra

6 Kesavananda Bharati
1973 — 13-judge bench,
7-6 majority. Established
basic-structure doctrine.

WHAT'S NEXT

What's next



- Chapter 2 — Topics of Law (substantive vs procedural, civil vs criminal).
- Sit the 15-MCQ Quick Drill.
- Then the 30-mark Board-Pattern Paper.



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