

**31– 10 – 2022**

**News:** Judge's unwarranted observations cited as reason for transfer

- Kozhikode Principal District and Sessions Judge S. Krishnakumar, who had made certain remarks on the dress of the victim in a sexual harassment case against writer Civic Chandran, has been transferred in view of his unwarranted observations and his successive inappropriate approaches in certain other cases, the HC Registrar General has said in an affidavit filed before the Kerala HC.

## **Subordinate Courts**

- The subordinate courts are so-called because of their subordination to the state high court.
- In each district of India, there are various types of subordinate or lower courts. They are civil courts, Criminal courts and Revenue courts.
- These Courts hear civil cases, criminal cases and revenue cases, respectively.

## **Structure and Jurisdiction of Subordinate Courts**

- The organisational structure, jurisdiction and nomenclature of the subordinate judiciary are laid down by the states.

- Hence, they differ slightly from state to state.
- Generally, there are three tiers of civil and criminal courts below the high court.
- The district judge is the highest judicial authority in the district. He possesses original and appellate jurisdiction in both civil and criminal matters.
- In other words, the district judge is also the session's judge.
- When he deals with civil cases, he is known as a district judge and when he deals with criminal cases, he is known as a session's judge.
- The session's judge has the power to impose any sentence, including life imprisonment and capital punishment (death sentence).
- However, a capital punishment passed by him is subject to confirmation by the High Court, whether there is an appeal or not.
- In some states, Panchayat Courts try petty civil and criminal cases. They are variously known as Nyaya Panchayat, Gram Kutchery, Adalati Panchayat, Panchayat Adalat and so on.

## **Constitutional Provisions – Subordinate Courts**

- Articles 233 to 237 in Part VI of the Indian Constitution has provisions to regulate the organisation of subordinate courts and to ensure their independence from the executive.

- The 20<sup>th</sup> Amendment Act of 1966 added a new Article–233A, which retrospectively validated the appointment of certain district judges as well as the judgements delivered by them.

### **Appointment of District Judges**

- The judges of subordinate courts are appointed by the Governor in consultation with the Chief Justice of the High Court of the concerned State.
- For legislative purposes, Governor will also have the power to suspend or dismiss these judges (Muhammad Ilyas Alvi vs State of Maharashtra 7<sup>th</sup> August 1964)

### **Qualifications of district judge**

- He should not already be in the service of the Central or the state government.
- He should have been an advocate or a pleader for seven years.
- He should be recommended by the high court for appointment.

### **Appointment of Other Judges**

- The appointment of persons (other than district judges) to the judicial service of a state is made by the governor of the state after consultation with the State Public Service Commission and the high court.

- In practice, the State Public Service Commission conducts a competitive examination for recruitment to the judicial service of the state.

### **Control over Subordinate Courts**

- The control over district courts and other subordinate courts including posting, promotion and leave of persons belonging to the judicial service of a state and holding any post inferior to the post of district judge is vested in the high court.

### **Interpretation**

- The expression 'district judge' includes judge of a city civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge and assistant sessions judge.
- The expression 'judicial service' means a service consisting exclusively of persons intended to fill the post of district judge and other civil judicial posts inferior to the post of the district judge.

## **Application of the above Provisions to Certain Magistrates**

- The Governor may direct that the above-mentioned provisions relating to persons in the state judicial service would apply to any class or classes of magistrates in the state.

## **News: The ongoing process of resettling Bru refugees in Tripura**

- The number of Bru families living in Kanchanpur and Panisagar areas of North Tripura district that have been rehabilitated in new locations under a settlement agreement, according to officials is 4102.
- As per the agreement signed in January 2020, 37,136 Brus of 6,959 families are eligible to get resettled.

## **Bru-Reang Refugee Agreement**

- Bru–Reang Refugee Agreement is an agreement signed among Union Government, Governments of Tripura and Mizoram and Bru-Reang Representatives to end the 23-year old Bru-Reang Refugee crisis.
- Brus, also called Reang in Tripura are the indigenous community which is recognised as a Particularly Vulnerable Tribe in the state of Tripura.

## Provisions

- This agreement gives the Bru community their choice of living in either the state of Tripura or Mizoram.
- Centre has announced a package of 600 crore under this agreement.
- Bru tribes would be given land to reside in Tripura.
- A family would be given a fixed deposit of 4 lakh as government aid. This amount can be withdrawn after a period of 2 years.
- Each of the displaced families will be given 40×30 feet<sup>2</sup> residential plots.
- Apart from them, each family will be given Rs. 5,000 cash per month for two years.
- Each displaced family would be given free ration for a period of 2 years and an aid of 1.5 lakhs to build their houses.