

Class 11 · Legal Studies · Unit 4

Chapter 11

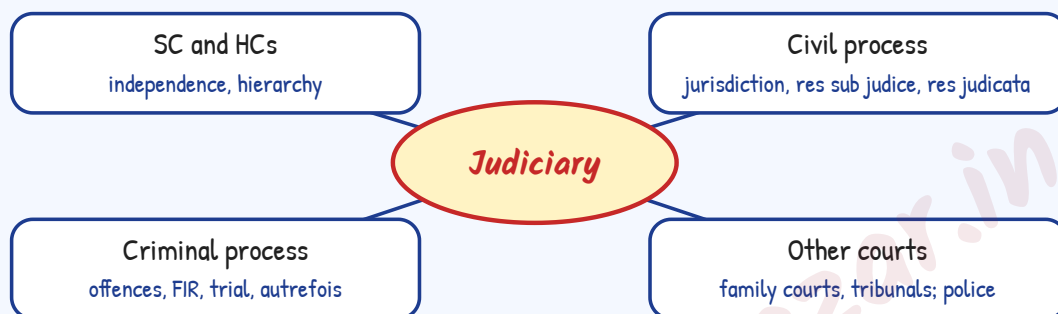
Judiciary: Courts and Processes



SC · HC · district courts

CBSE Legal Studies (074) syllabus 2026-27 · Unit 4 Judiciary: Constitutional, Civil and Criminal Courts and Processes = 20 marks of 80

Chapter map



What is inside

1. Concept notes with tables and a court-hierarchy chart
2. Important textbook questions, fully solved
3. Exam-pattern questions (CBSE 074), fully solved
4. Practice A-G with a case study, 20 MCQs, 6 A-R, answers, summary

Colour code used

red = key term green = definition

purple = sub-heading black = explanation

★ **Exam tip:** Highest-weight unit (20 marks). Learn the **hierarchy chart**, **types of jurisdiction**, **res sub judice v res judicata**, **cognizable v non-cognizable** and **bailable v non-bailable** offences, the **FIR** and **autrefois** (Art 20(2)).

Based on the CBSE Legal Studies syllabus 2026-27 and the CBSE textbook. All answers written by us. Section numbers are given for the BNSS 2023 with the old CrPC in brackets.

11.1 Establishment of the SC and HCs ★★

The **Supreme Court** was set up under **Art 124** and began on **28 January 1950** (replacing the Federal Court of 1937 and the Privy Council). It has the Chief Justice of India and up to 33 other judges (34 in all). The first **High Courts** (Calcutta, Bombay, Madras) were set up in 1862 under the Indian High Courts Act 1861; today each State or group of States has one (Art 214); there are 25 High Courts.

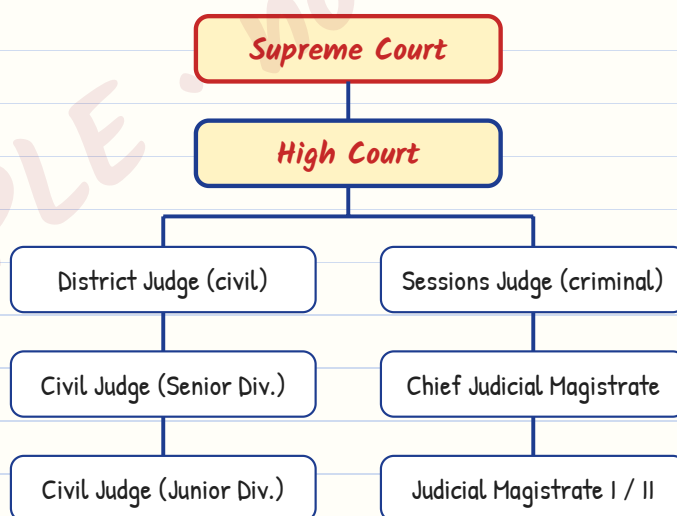
11.2 Independence and impartiality ★★★

- **appointment** by the President on the recommendation of the **collegium** (CJI + 4 senior judges; Second Judges case 1993); NJAC struck down (2015)
- **security of tenure**: SC judges till 65, HC judges till 62; removal only by **Parliament** for proved misbehaviour or incapacity by a special majority (Art 124(4))
- **salaries** charged on the Consolidated Fund; cannot be cut to their disadvantage (except financial emergency)
- **no discussion** of a judge's conduct in Parliament (Art 121)
- power to punish for **contempt** (Arts 129, 215)
- **no practice** before courts after retirement (SC judges in any court; HC judges except SC and other HCs)
- **separation** of judiciary from executive (Art 50)

Jurisdiction of the Supreme Court

original (Centre-State disputes, Art 131); **writ** (Art 32); **appellate** (civil, criminal, constitutional: Arts 132–134, and special leave Art 136); **advisory** (Art 143); **review** of its own judgments (Art 137); **court of record** (Art 129).

11.3 Structure and hierarchy of courts ★★★



India has a **single integrated judiciary**: one hierarchy enforces both Central and State laws. The District Judge, when trying criminal cases, is called the **Sessions Judge**. In metropolitan cities there were Metropolitan Magistrates (merged into Judicial Magistrates under the BNSS). Below are also Lok Adalats, Gram Nyayalayas and tribunals.

11.4 High Courts ★★

Writs under **Art 226** (wider than Art 32: for any legal right); superintendence over subordinate courts (Art 227); appellate jurisdiction; court of record (Art 215); some have original civil jurisdiction (Bombay, Calcutta, Madras, Delhi).

11.5 The civil process ★★★

Civil cases follow the **Code of Civil Procedure, 1908 (CPC)**. Steps: **plaint** filed → **summons** to defendant → **written statement** → **framing of issues** → **evidence** (examination, cross-examination) → **arguments** → **judgment** → **decree** → **execution**; appeal to the higher court.

Common legal terminologies

plaintiff / defendant	person who sues / person sued
plaint	written complaint starting a civil suit
written statement	defendant's reply
summons	court's order to appear
decree	formal expression of the court's decision on the rights of parties
injunction	order to do or not do an act
appellant / respondent	who appeals / against whom
affidavit	sworn written statement
ex parte	decision in the absence of a party
vakalatnama	document authorising an advocate

11.6 Types of jurisdiction ★★★

territorial	the area: suits about immovable property where it lies; others where the defendant lives or the cause of action arose
pecuniary	the money value of the suit; small claims to junior courts
subject-matter	the type of case (family courts for marriage; consumer commissions)
original / appellate	first hearing / hearing appeals

11.7 Res sub judice and res judicata ★★★

basis	res sub judice (s 10 CPC)	res judicata (s 11 CPC)
meaning	"under judicial consideration": a matter pending	"a thing already decided"
rule	a court shall stay a later suit where the matter in issue is directly and substantially in issue in an earlier pending suit between the same parties	a court shall not try a suit where the same matter between the same parties has been finally decided by a competent court
aim	avoid two courts deciding the same issue at once; conflicting decisions	end litigation; no one vexed twice for the same cause
effect	later suit stayed	later suit barred

Essentials of res judicata: same matter directly and substantially in issue; same parties (or those claiming under them); same title; earlier court competent; matter heard and **finally decided**. Maxims: "interest reipublicae ut sit finis litium" (public interest that litigation ends) and "nemo debet bis vexari pro una et eadem causa" (no one twice vexed for the same cause).

Easy test: earlier case still **going on** → sub judice → stay. Earlier case **already decided** → res judicata → bar.

11.8 Types of offences ★★★

cognizable	police can arrest without warrant and investigate without the Magistrate's order: serious (murder, rape, robbery, dowry death)
non-cognizable	police need a warrant to arrest and the Magistrate's permission to investigate: less serious (simple hurt, defamation, cheating in some cases)
bailable	bail is a right of the accused
non-bailable	bail at the court's discretion
compoundable	victim can compromise (with or without court's permission)
non-compoundable	no compromise; the State prosecutes

11.9 FIR and investigation ★★★

First Information Report: information about a **cognizable** offence given to the officer in charge of a police station, reduced to writing, read over, signed and entered in a book: **s 173 BNSS** (s 154 CrPC). A **free copy** is given to the informant. **Zero FIR:** can be filed at any police station regardless of area; **e-FIR** allowed under the BNSS. If police refuse, complain to the Superintendent of Police or the Magistrate. Lalita Kumari (2013): registering an FIR is **mandatory** for a cognizable offence. For a non-cognizable offence, an NCR entry is made and the informant is referred to the Magistrate.

Criminal process

FIR → **investigation** (spot visit, statements, arrest, search, seizure) → **police report / charge sheet** (or closure report) → **cognizance** by Magistrate → **charges framed** → **prosecution evidence** → statement of accused → **defence evidence** → **arguments** → **judgment** (acquittal or conviction) → **sentence** → appeal. The **Public Prosecutor** conducts the case for the State.

11.10 Autrefois acquit and autrefois convict ★★★

French for "previously acquitted / previously convicted": a person once tried by a competent court and **acquitted or convicted** of an offence **cannot be tried again** for the same offence on the same facts. Protection against **double jeopardy**: **Art 20(2)**: "No person shall be prosecuted and punished for the same offence more than once"; **s 337 BNSS** (s 300 CrPC). Art 20(2) needs both **prosecution and punishment** earlier (Maqbool Hussain, 1953: confiscation by customs was not prosecution, so a later criminal trial was allowed). Departmental proceedings are not a bar.

11.11 Function and role of police ★★

Prevent and detect crime; register FIRs; investigate; arrest; maintain law and order; protect life and property; traffic and crowd control; help victims. **Police** is a State subject. Arrest safeguards: **D.K. Basu (1997)** guidelines; inform grounds (Art 22), produce before a Magistrate within **24 hours**.

11.12 Other courts ★★

Family Courts (Family Courts Act, 1984): marriage, divorce, maintenance, custody; conciliation first; informal procedure; lawyers only with permission. **Administrative tribunals** (Art 323A, Administrative Tribunals Act 1985): service matters of government employees (CAT, State tribunals); Art 323B for tax, land, elections etc.; NGT for environment; decisions reviewable by High Courts (L. Chandra Kumar, 1997).

Important textbook questions, fully solved

1. How does the Constitution ensure the independence of the judiciary?

Ans. Collegium-based appointment; security of tenure (SC 65, HC 62) and removal only by Parliament's special process; salaries on the Consolidated Fund; no discussion of judges' conduct in the legislature; contempt power; bar on practice after retirement; Art 50 separation from the executive.

2. Distinguish between res sub judice and res judicata.

Ans. Res sub judice (s 10 CPC): the earlier suit is pending; the later suit on the same issue between the same parties is stayed. Res judicata (s 11 CPC): the issue has been finally decided; a later suit is barred.

3. What is an FIR? State its importance.

Ans. The first information of a cognizable offence recorded by the police under s 173 BNSS (s 154 CrPC). It sets the criminal law in motion, records the earliest version of facts, starts the investigation and is an important piece of evidence for corroboration.

4. Distinguish cognizable and non-cognizable offences.

Ans. Cognizable: serious; police can arrest without warrant and investigate on their own; FIR mandatory. Non-cognizable: less serious; arrest needs a warrant and investigation needs the Magistrate's order.

Exam-pattern questions, fully solved

Exam-style · 1 mark A suit on land must be filed where the land lies. This is _____ jurisdiction. (A) pecuniary (B) territorial (C) appellate (D) advisory [1]

Ans. (B) territorial

Exam-style · 1 mark Protection against double jeopardy is in: (A) Art 20(1) (B) Art 20(2) (C) Art 21 (D) Art 22 [1]

Ans. (B) Art 20(2)

Exam-style · 2 marks Amit's suit for possession against Bina was dismissed on merits; he files a fresh suit on the same claim in another court. What will happen? [2]

Ans. The fresh suit is **barred by res judicata (s 11 CPC)**: the same matter between the same parties was finally decided by a competent court; litigation must end and no one may be vexed twice.

Exam-style · 3 marks A woman's chain is snatched; the police station refuses to register an FIR saying the place is outside its area. Advise. [3]

Ans. Chain-snatching is a **cognizable** offence, so registration of an FIR is **mandatory** (Lalita Kumari, 2013). She can file a **Zero FIR** at any police station, which must transfer it to the proper station; she can also file an **e-FIR**, or complain to the **SP** and then the **Magistrate**.

Exam-style · 5 marks Explain the stages of a criminal trial from FIR to judgment. [5]

Ans. (1) FIR registered; (2) investigation: evidence, statements, arrest; (3) police report / charge sheet to Magistrate, who takes cognizance; (4) charges framed and read to the accused, who pleads guilty or not; (5) prosecution evidence with cross-examination; (6) statement of accused; (7) defence

evidence; (8) final arguments; (9) judgment of acquittal or conviction and sentence; appeal lies to the higher court.

Practice set: test yourself *Exam-style*

A. Fill in the blanks (1 mark each)

1. The Supreme Court began on _____.
2. High Court judges retire at _____.
3. The CPC was enacted in _____.
4. The FIR provision in the BNSS is section _____.

B. True or false? (1 mark each)

1. Bail is a right in non-bailable offences.
2. Family Courts encourage conciliation.
3. Res sub judice bars a later suit forever.
4. The District Judge trying criminal cases is the Sessions Judge.

C. Very short answer (1 mark each)

1. Which article gives the SC writ jurisdiction?
2. Name the case on arrest guidelines.

D. Short answer I (2 marks each)

1. Distinguish bailable and non-bailable offences.
2. What is a Zero FIR?

E. Short answer II (3 marks each)

1. Explain three kinds of jurisdiction of civil courts.

F. Long answer (5 marks)

1. Draw and explain the hierarchy of courts in India.

G. HOTS

1. Why should a person not be tried twice for the same offence?

Case study: Raju was tried for theft of a bike and acquitted. Later new evidence emerged and the police filed a fresh charge sheet for the same theft. Meanwhile Raju's brother sued a neighbour for a boundary dispute while the same dispute was pending in another court.

(i) Can Raju be tried again? (ii) Which article? (iii) What happens to the brother's later suit? (iv) Which CPC section? [4]

Answers to the practice set

A. 1. 28 January 1950 2. 62 3. 1908 4. 173

B. 1. F 2. T 3. F 4. T

C. 1. Art 32 2. D.K. Basu v State of West Bengal (1997)

- D.** 1. bailable: bail as of right; non-bailable: bail at court's discretion, serious offences 2. FIR filed at any police station regardless of jurisdiction, later transferred
- E.** territorial, pecuniary, subject-matter (also original and appellate), as in 11.6
- F.** SC → HC → District/Sessions Judge → Civil Judge (Sr) / CJM → Civil Judge (Jr) / Judicial Magistrate; single integrated system
- G.** finality, protection from harassment by the State, fairness, Art 20(2)
- Case.** (i) no: autrefois acquit (ii) Art 20(2) (also s 337 BNSS) (iii) it is stayed: res sub judice (iv) s 10

20 MCQs

1. The SC is established under:
(A) Art 32 (B) Art 214 (C) Art 124 (D) Art 50
2. SC judges retire at:
(A) 65 (B) 62 (C) 60 (D) 70
3. Appointments of judges are recommended by the:
(A) Election Commission (B) Lok Sabha (C) Law Ministry alone (D) collegium
4. Special leave to appeal:
(A) Art 143 (B) Art 136 (C) Art 131 (D) Art 226
5. HC writ jurisdiction:
(A) Art 32 (B) Art 226 (C) Art 141 (D) Art 124
6. Res sub judice is in:
(A) s 173 BNSS (B) s 11 CPC (C) Art 20 (D) s 10 CPC
7. Res judicata is in:
(A) s 11 CPC (B) s 10 CPC (C) Art 22 (D) s 337 BNSS
8. The written complaint starting a civil suit:
(A) charge sheet (B) FIR (C) plaint (D) decree
9. Formal expression of a civil court's decision:
(A) plaint (B) summons (C) affidavit (D) decree
10. Jurisdiction by the money value of a suit:
(A) territorial (B) pecuniary (C) appellate (D) advisory
11. Police can arrest without warrant in:
(A) all offences (B) non-cognizable offences (C) cognizable offences (D) civil cases
12. Bail as of right:
(A) bailable offences (B) non-bailable (C) murder (D) none
13. Victim may compromise in:
(A) all offences (B) compoundable offences (C) murder (D) none
14. FIR registration is mandatory for cognizable offences: held in:
(A) Maneka (B) D.K. Basu (C) Lalita Kumari (D) Vishaka
15. Double jeopardy protection:
(A) Art 14 (B) Art 20(3) (C) Art 21 (D) Art 20(2)
16. An accused must be produced before a Magistrate within:
(A) 24 hours (B) 48 hours (C) 7 days (D) 72 hours
17. Family Courts Act:
(A) 1984 (B) 1955 (C) 1985 (D) 2005
18. Service matters of Central employees go to the:
(A) Lok Adalat (B) NGT (C) family court (D) CAT
19. District Judge in criminal cases is called:
(A) Magistrate (B) Sessions Judge (C) Munsif (D) Registrar
20. Prosecution in a criminal case is led by the:
(A) judge (B) victim's lawyer only (C) Public Prosecutor (D) police constable

1 (C) · 2 (A) · 3 (D) · 4 (B) · 5 (B) · 6 (D) · 7 (A) · 8 (C) · 9 (D) · 10 (B) · 11 (C) · 12 (A) · 13 (B) · 14 (C) · 15 (D) · 16 (A) · 17 (A) · 18 (D) · 19 (B) · 20 (C)

Assertion–Reason (6)

(A) Both true, R explains A. (B) Both true, R does not explain A. (C) A true, R false. (D) A false, R true.

1. A: A suit decided finally cannot be filed again. R: Res judicata aims to end litigation.
2. A: Police need no warrant to arrest for murder. R: Murder is a cognizable offence.
3. A: Bail is a right in all offences. R: Non-bailable offences leave bail to the court.
4. A: Judges' salaries can be cut at any time. R: Salaries are charged on the Consolidated Fund.
5. A: An acquitted person cannot be retried for the same offence. R: Art 20(2) bars double jeopardy.
6. A: India has an integrated judiciary. R: Family Courts encourage conciliation.

Key: 1 (A) · 2 (A) · 3 (D) · 4 (D) · 5 (A) · 6 (B)

Last-night summary

- SC (Art 124, 1950; 34 judges; 65), HCs (Art 214; 62); independence: collegium, tenure, removal by Parliament, salary, contempt, Art 50.
- Hierarchy: SC, HC, District/Sessions, Civil Judge / CJM, Civil Judge Jr / JM.
- Civil: CPC 1908; plaint to decree to execution; jurisdiction: territorial, pecuniary, subject-matter; s 10 sub judice (stay), s 11 res judicata (bar).
- Criminal: cognizable, bailable, compoundable; FIR s 173 BNSS, Zero FIR, Lalita Kumari; trial stages; autrefois Art 20(2), s 337 BNSS.
- Police: D.K. Basu; Family Courts 1984; tribunals Arts 323A/B.