

## INDIA

The **Supreme Court** is the apex court in the country and the **High Courts** stand at the head of the State's judicial administration. India has an **adversarial** and **jury system**.

Each State is divided into judicial districts presided over by a **district sessions judge** who is the highest judicial authority in the district. Below the district level, there is a hierarchy of **magistrates** functioning under the supervisory authority of a district magistrate.

At the village level, disputes are frequently resolved by *panchayats* or *lokadalats* (**people's courts**).

The **Supreme Court** has original, appellate and advisory jurisdiction. The Constitution gives an extensive original jurisdiction to the Supreme Court to enforce fundamental rights.

There are 18 **High Courts** in the country, 3 having jurisdiction over more than one State. Among the Union Territories, Delhi alone has a High Court of its own whilst the other 6 Union Territories come under jurisdiction of different State High Courts.

Each High court in India is a court of record exercising origin and appellate jurisdiction within its respective State or territory. They try original criminal cases by a jury, but not civil cases.

The Supreme Court was reported to have more than 150,000 cases pending in 1990, the High courts had some 2 million cases pending, and the lower courts had a substantially greater backlog. Research findings in the early 1990's show that the backlogs at levels below the Supreme Court are the result of delays in the litigation process and the large

number of decisions that are appealed and not the result of an increase in the number of new cases filed.

### **Court Vacations**

The **Supreme Court** of India has 45 vacation days a year excluding weekends (spread throughout the year).<sup>1</sup>

Some of the High Courts have summer and winter vacations and others have other vacations in addition. A feature in the High Courts is that some Saturdays are used as working days to set off the plethora of public holidays in the country.<sup>2</sup> Some of these public holidays are subject to change depending on the visibility of the moon.

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#### <sup>1</sup> **Supreme Court of India:**

The court vacations run from:

- 1 to 3 January 2003
- 17 to 23 March 2003
- 11 May to 6 July 2003
- 1 to 5 October 2003
- 20 to 26 October 2003
- 22 to 31 December 2003

#### <sup>2</sup> **By way of example:**

##### **High Court of Delhi:**

Although there are some 23 public holidays this is offset to a degree by 6 working Saturdays per year.

Summer vacations: 2 June to 5 July 2003 inclusive

Winter vacations: 25 December 2003 to 1 January 2004 inclusive

##### **High Court of Chhattisgarh:**

Although there are some 28 public holidays this is offset to a degree by 12 working Saturdays per year.

Summer vacations: 12 May to 13 June 2003 inclusive

Winter vacations: 22 December 2003 to 1 January 2004 inclusive

##### **High Court Himachal Pradesh:**

Although there are some 22 public holidays this is offset to a degree by 28 working Saturdays per year.

Summer vacations: 16 June to 21 June 2003 inclusive; and  
2 to 31 July 2003 inclusive

Winter vacations: 13 January to 22 February 2003 inclusive

##### **High Court of Bombay:**

Although there are some 25 public holidays this is offset to a degree by 5 working Saturdays per year.

Summer vacation: 5 May to 1 June 2003 both days inclusive

October vacation: 20 October to 2 November 2003 both days inclusive

Winter vacation: 22 December 2003 to 4 January 2004 both days inclusive