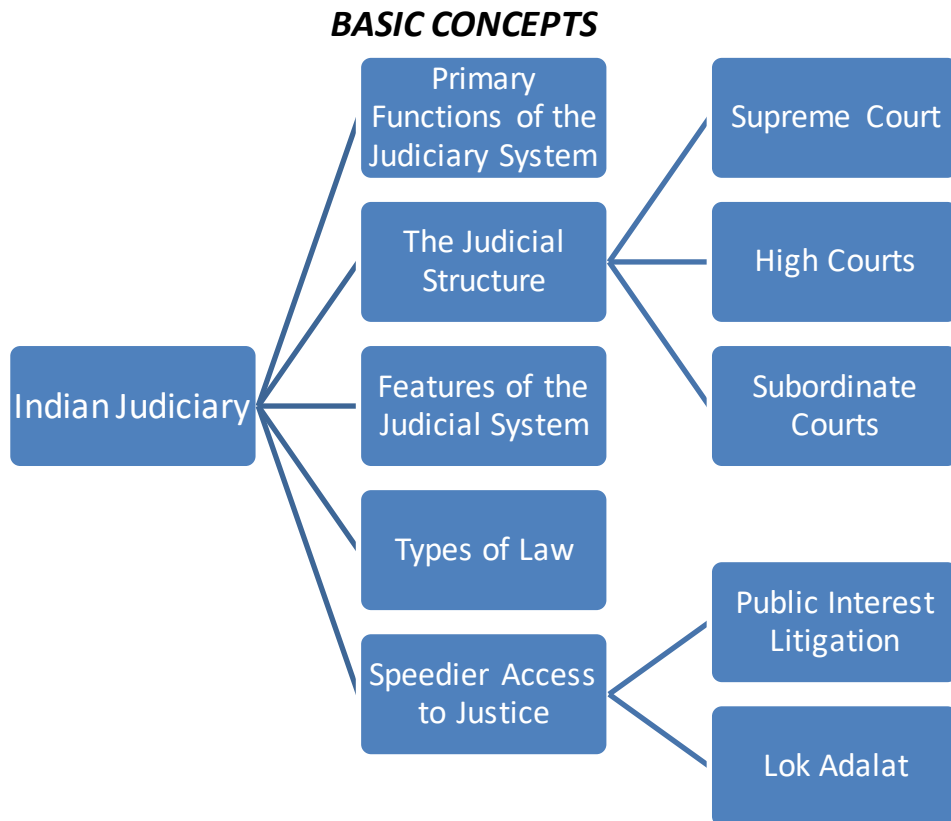


DELHI PUBLIC SCHOOL, MANDLA ROAD, JABALPUR
CLASS NOTES ON CIVICS

CHAPTER 26 - THE JUDICIARY



I. CHOOSE THE CORRECT OPTION.

1. a. Supreme Court
2. b. state
3. c. President
4. b. two
5. c. Constitution

II. WRITE WHETHER TRUE OR FALSE.

1. False
2. True
3. True
4. False

5. True

III. FILL IN THE BLANKS.

1. interpreter
2. Supreme Court
3. District Judge
4. binding
5. PIL

IV. ANSWER THE FOLLOWING QUESTIONS IN ONE OR TWO SENTENCES.

1. List one main function of the courts in India.
Resolution of disputes between the citizens of India, or between the citizens and the government, or between two state governments, or between the central and state governments is one of the main functions of the courts in India.
2. Who heads the Supreme Court?
The Supreme Court is headed by the Chief Justice of India.
3. What is meant by appellate jurisdiction system?
The appellate jurisdiction system means a system wherein a person can appeal in a higher court against the decision made by a lower court if she/he thinks that the decision is unjust.
4. Define Public Interest Litigation.
Public Interest Litigation (PIL) refers to legal action initiated in a court of law for the protection of public interest.
5. What is a Lok Adalat?
A Lok Adalat is people's court which helps in the quick disposal of cases by settling disputes through conciliation and mediation.

V. ANSWER THE FOLLOWING QUESTIONS IN BRIEF.

1. What is the power of judicial review that has been granted to the courts in India?
The power of judicial review provides to the courts the right to declare any law passed by the Parliament as null and void if they are

found to violate any of the provisions of the Indian Constitution. The Supreme Court is considered the final interpreter of the Constitution.

2. Describe the judicial structure in India.

The judicial system is structured into three levels in India.

- Supreme Court: It is the highest court of appeal in India and is the final interpreter of the Constitution. It is also the guardian of the Fundamental Rights.

- High Courts: The judicial system in the states is headed by the High Court. Each High Court comprises a Chief Justice and other judges. There are 24 High Courts in the country at present.

[Note: With Andhra Pradesh getting a separate High Court, there are now 25 High Courts in the country.]

- Subordinate courts: These courts function at the district level and fall under the supervision of the High Court of the concerned state. The highest court in a district is that of the District Judge.

3. How is independence of the judiciary maintained in India?

The independence of the judiciary is ensured by the following provisions given in the Indian Constitution.

- Separation of powers: The complete separation of the legislative, the executive and the judicial branches of the government allows the judicial system in India to function without any unwanted interference from the other two branches of the government.

- Appointment: The President appoints the judges of the Supreme Court and the High Courts after consulting the members of the judiciary.

- Fixed term: Once appointed, judges have a fixed term. The judges of the Supreme Court cannot be removed from office by the government unless the President passes an order to this effect, after an address supported by a majority in both the Houses of the Parliament has been passed.

4. What is the difference between civil law and criminal law?

Civil law deals with disputes that harm the rights of individuals and can involve two or more individuals, associations or groups. Civil disputes involve cases related to marriage, inheritance, property,

guardianship and divorce and so on. These disputes are taken up by the court after a petition has been filed by the person or the party involved in the dispute. Civil cases are then settled in accordance with the law of the land.

On the other hand, criminal law deals with cases that involve a crime. An offence committed against an individual or the state and which is punishable by law, constitutes a crime. Such offences include murder, theft, dacoity, rape, and so on. For a criminal case to be taken up by a court, a First Information Report (FIR) has to be lodged with the police first. The punishment depends upon the nature of the crime committed.

5. How has the judicial system in India tried to provide easier access to justice to the people?

The judiciary has tried to provide easier access of justice to people in the following ways:

- Public Interest Litigation (PIL): It refers to legal action initiated in a court of law for the protection of public interest. Any individual or organisation can file a PIL in a court of law on behalf of those whose rights are being violated in some form or the other, but who are unable to seek justice on their own. PILs are a very useful tool in the hands of people to make sure that even the weaker and more vulnerable sections of the society have access to justice.
- Lok Adalat: It is people's court which helps in the quick disposal of cases by settling disputes through conciliation and mediation. The process of taking a dispute to a Lok Adalat and seeking a settlement there is extremely simple and carries no fees, thus making it very easy for even the poor and the uneducated to seek justice. Lok Adalats consist of judicial members, legal practitioners and social workers. No lawyers are involved in the process. All legal disputes pending in subordinate courts can be taken to Lok Adalats for settlement.

HOMEWORK

Make a list of all the High Courts in India. Mention where each one of them is located.