

## CHAPTER-IV

### JUDICIARY

#### **2MARKS QUESTIONS**

**Q1. Mention three different levels of courts in our country.**

**Ans.** Three different levels of court in our country are:

- Subordinate or district courts.
- High Court in each state.
- The Supreme Court at the apex level that is located in New Delhi.

**Q2. How is the work of the judiciary categorized?**

**Ans.** The Judiciary is made up of courts that make judgements on a wide range of subjects. The judiciary's activities can be classified into three categories: Dispute Resolution, Judicial Review, and Upholding the Law and Enforcing Fundamental Rights.

**Q3. What do you understand by law?**

**Ans.** Law is a system of rules that are created and enforced through social or governmental institutions to regulate behavior.

**Q4. In what ways is the Supreme Court the guardian of Fundamental Rights?**

**Ans.** The Supreme Court serves as a defender of fundamental rights by ensuring that people can exercise their rights in the appropriate manner. Every Indian citizen has the right to file a complaint with the Supreme Court or a High Court if they consider their Fundamental Rights have been violated.

**Q5. India has an integrated judicial system. Explain**

**Ans.** We have an integrated legal system in India, which means that decisions made by higher courts are binding on lower courts. Another method to understand this integration is through India's appellate system. This means that a person can file an appeal with a higher court if they consider the lower court's decision is unjust.

**Q6. India has an integrated judicial system. Explain**

**Ans.** The Indian judiciary is regarded as an autonomous institution for the following reasons:

- The legislative and executive branches of government are not permitted to interfere with the operation of the judiciary.
- The courts are independent of the government and do not operate on its behalf.

**Q7. How is the work of the judiciary categorized?**

**Ans.** The work that the judiciary does can be divided into the following:

- Dispute Resolution
- Judicial Review
- Upholding the Law and Enforcing Fundamental Rights

**Q8. Write two sentences of what you understand about the appellate system.**

**Ans.** This means that a person can file an appeal with a higher court if they consider the lower court's decision is unjust.

**Q9. What does judiciary mean?**

**Ans.** The judiciary is the branch of authority in a country which is concerned with law and the legal system.

**Q10. Mention the branches of the legal system.**

**Ans.** The legal system in India is divided into two branches: Criminal Law and Civil Law.

### **4 Marks Question and Answers**

**Q1. You read that one of the main functions of the judiciary is ‘upholding the law and Enforcing Fundamental Rights’. Why do you think an independent judiciary is necessary to carry out this important function?**

**Answer.** Since the judiciary is independent, it is able to play a central role in upholding the law and enforcing fundamental rights. The court ensures that the Executive and Judiciary do not misuse their powers. Every citizen has the right to approach the judiciary if he feels that his fundamental rights have been violated in some manner. Any socially powerful person such as a politician can't use his power or position to change the judgement of the court.

**Q2. Re-read the list of Fundamental Rights provided in Chapter 1. How do you think the Right to Constitutional Remedies connects to the idea of judicial review?**

**Answer.** The Right to Constitutional remedies states that a citizen can go to a court in order to obtain justice if she feels that her fundamental right has been violated in some form. Hence, it empowers the judiciary to check the working of the executive and the legislature in case they are found infringing upon the fundamental rights of a citizen.

**Q3. In the following illustration, fill in each tier with the judgments given by the various courts in the Sudha Goel case. Check your responses with others in class.**

**Answer.**

- Lower court – Sudha’s husband, mother-in-law and brother-in-law were convicted by the Lower Court for her killing. The three were sentenced to death.
- High court – As the accused filed their plea in the High Court, it ruled that all three accused were innocent and Sudha had died due to accidental burning. Hence, they were acquitted.
- Sup[reme Court- Sudha’s parents appealed against the acquittal of her husband and in-laws in the Supreme Court. The apex court found husband and mother-in-law guilty and awarded them with life sentences. The brother-in-law was acquitted due to lack of evidence.

**Q4. Keeping the Sudha Goel case in mind, tick the sentences that are true and correct the ones that are false.**

**(a) The accused took the case to the High Court because they were unhappy with the decision of the Trial Court.**

**(b) They went to the High Court after the Supreme Court had given its decision.**

**(c) If they do not like the Supreme Court verdict, the accused can go back again to the Trial Court.**

**Answer.**

(a) True

(b) False. They went to the Supreme Court after the High Court gave its decision.

(c) False. The judgement of Supreme Court is final.

**Q5. Why do you think the introduction of Public Interest Litigation (PIL) in the 1980s is a significant step in ensuring access to justice for all?**

**Answer.** A vast majority of the poor citizens in India found it difficult to get access to the courts. The poor who are financially weak as well as are illiterate find it difficult to go to the court in case their fundamental rights have been violated in some manner. It was during the 1980s when the Supreme Court introduced the mechanism of PIL or Public Interest Litigation, that the poor and illiterate people could get justice. Any person or organization can file a PIL in the High Court or Supreme Court on behalf of such people who want to access the court. It is not important for the person to have direct access to the court in case of PIL.

**7MARKS QUESTIONS**

**Q1. Re-read excerpts from the judgment on the Olga Tellis vs Bombay Municipal Corporation case. Now write in your own words what the judges meant when they said that the Right to Livelihood was part of the Right to Life.**

**Answer.** ‘Olga Tellis vs Bombay Municipal Corporation’ case depicts the plight of lakhs of people who live in the pavements and slums of Bombay city. They constitute almost half of the population of Bombay. These women and men visited the Court in the hope of a judgement that the government could not evict them from their homes without offering them an alternative shelter. They relied on their rights under Article 21 of the Indian Constitution which guarantees that no person should be deprived of his right except according to the procedure established by the law.

These laws do not contend that these people have the right to live on pavements. They are content with the fact that they have a right to live. It is a right which can’t be exercised without the means of livelihood. As they do not get employment opportunities in their rural hometowns, they have no option but to flock to cities such as Bombay. It provides them a means of bare subsistence. They choose a slum or pavement because it is near their workplace.

In their plea they had stated that the right to life is misleading without right to protection of means by which one can live life i.e. the means to earn a livelihood.



**Q2. Write a story around the theme, ‘Justice delayed is justice denied.’**

**Ans.** Mr Mahajan was about to retire. So, he decided to send his tenant a notice stating that he should vacate the house within one month. However, the tenant refused to do so and illegally occupied Mr Mahajan’s apartment. Now the latter had no option but to file a plea in court. He filed a litigation against the tenant in a trial court. This court took almost seven years to give a judgement in favour of Mr Mahajan so that he could get his apartment back. Despite owning an apartment, Mr Mahajan was forced to live in a rented accommodation all these years. The court took such a long time to deliver this case which left Mr Mahajan with financial crunches. This is a case of ‘Justice Delayed is Justice Denied.’

**Q3. Make sentences with each of the glossary words given on the next page.**

**Answer.** Acquit: the accused was acquitted due to lack of evidence

- To appeal: The State Government moved to the High Court to appeal against the judgement of trial court.
- Compensation: The Government announced a compensation of Rs 5 lakhs who were killed in the accident.
- Eviction: The builder was issued an eviction notice after he failed to do payments.
- Violation: the traffic police fined him for the traffic rule violation.

**Q4. The following is a poster made by the Right to Food campaign. Read this poster and list the duties of the government to uphold the Right to Food. How does the phrase “Hungry stomachs, overflowing godowns! We will not accept it!!” used in the poster relate to the photo essay on the Right to Food on page 61?**

b ‘To provide food for all.’ “Hungry stomachs, overflowing godowns! We will not accept it!!” The above photo is similar to the one given on the Page 61. Due to droughts in Odisha and Rajasthan few years back, millions of people were deprived of food. It was revealed that the government’s godown was full of grains. An organisation named People’s Union of Civil Liberties filed a PIL in the Supreme Court. It was stated that the Article 21 which guarantees Right to Life also includes Right to Food. The state’s excuse that it did not have enough food was wrong. The Supreme Court directed the government to provide grains at cheap rates through its ration shops.

**Q5. With the help of your teacher, fill in the blank spaces in the table below.**

Type of Dispute	Example
Dispute between centre and the state	
Dispute between two states	
Dispute between two citizens	
Laws that are in violation of the Constitution	

**Answer:**

Type of Dispute	Example
Dispute between centre and the state	GST Bill is a major dispute between Centre and state. States do not want to implement it because they could lose their tax revenues by implementing new laws.
Dispute between two states	When Karnataka refused to share the water of Cauvery river with Tamilnadu.
Dispute between two citizens	If A has illegally occupied B's land, then B could file a dispute case against A.
Laws that are in violation of the Constitution	When an MLA holds the office of profit.

**Q6. Discuss the impact of the shortage of judges on the delivery of justice to the litigants.**

Answer: It's not easy to become a Judge in any country. Due to this, not only India but every democratic country is facing the shortage of judges. It creates problem while the court workdays are going on. Since, there is a shortage of judges, a judge may take many days to deliver a verdict.

This process has an impact on the whole judgement system due to which the whole procedure is delayed. Sometimes, this delay benefits even the actual culprit

**FILL IN THE BLANKS**

**Q1 \_\_\_\_\_ was established in 1950.**

**Ans.** Supreme Court

**Q2. Gauhati High Court has a bench in \_\_\_\_\_.**

**Ans** Aizawl

**Q3 Andhra Pradesh and \_\_\_\_\_ have a separate HC from 1 January 2019 onwards.**

**Ans.** Telangana

**Q4 \_\_\_\_\_ deals with harm and injury to individuals' rights.**

**Ans.** Civil Law

**Q5 \_\_\_\_\_ faced a heavy drought in 2001.**

**Ans.** Rajasthan

**Q6 \_\_\_\_\_had introduced PILs in the 1980s.**

**Ans.** Supreme Court

**Q7 Right to Food is mentioned in \_\_\_\_\_of Indian Constitution.**

**Ans.** Article 21

**Q8 The sanctioned strength of Supreme Court judges are \_\_\_\_\_.**

**Ans.** 31

**Q9 Every Indian citizen has Right to \_\_\_\_\_through Courts.**

**Ans.** justice

**Q10 India has \_\_\_\_\_High Courts currently.**

**Ans.** 25

### **Multiple Choice Questions (MCQs)**

**Q1 The removal of persons from land or homes that they are currently living in is called**

- A) violation
- B) eviction
- C) separation of power
- D) judiciary

**Ans. B) eviction**

**Q2 Which article states the fundamental Right to Life guarantees the right to food?**

- A) Article 21
- B) Article 23
- C) Article 25
- D) Article 20

**Ans. A) Article 21**

**Q3 What is referred to as the supreme law of the land?**

- A) Constitution
- B) Preamble
- C) Assembly
- D) None of these

**Ans. A) Constitution**

**Q4 Name the only Union Territory which has a High Court of its own?**

- A) Pondicherry
- B) Delhi
- C) Chandigarh
- D) Daman and Diu

**Ans.** B) Delhi

**Q5 Judiciary in India resolves the disputes between**

- A) State and State
- B) State and Citizen
- C) Citizen and Citizen
- D) All the above

**Ans.** D) All the above

**Q6 What is the full form of PIL?**

- A) Public Interest limited
- B) Public Interference Limited
- C) Public Interest litigation
- D) None of these

**Ans.** C) Public Interest litigation



**Q7 Unsatisfied from which court an individual goes to the Supreme Court?**

- A) Lok Adalats
- B) Nyaya Panchayats
- C) High Court
- D) District Court

**Ans. C) High Court**

**Q8 At what age does a judge of the High Court retire?**

- A) 62 Years
- B) 65 Years
- C) 60 Years
- D) 64 Years

**Ans. A) 62 Years**

**Q9 What is the rule of law?**

- A) Rich people are superior to other
- B) Low caste people are inferior
- C) All are same before law
- D) None of these

**Ans. C) All are same before law**

**Q10 In which year PUCL filed the PIL in the Supreme Court against the government for the food short-age?**

A) 2000

B) 2001

C) 2003

D) 2002

**Ans. B) 2001**

**Q11 Who is the final interpreter of our Constitution?**

A) Judiciary

B) Government

C) Executive

D) Legislative

**Ans. A) Judiciary**

**Q12 Which is the foremost judicial body of our country?**

A) Supreme Court

B) High court

C) Lok Adalat

D) None of these

**Ans. A) Supreme Court**

**Q13 What is the system consisting of courts which interpret the constitution and award judgment?**

- A) Judiciary
- B) Parliament
- C) Police
- D) Legislative

**Ans.** A) Judiciary

**Q14 What provisions are provided to ensure the independence of the judiciary in India?**

- A) The Parliament can give judgment in criminal cases.
- B) The judges can be easily removed.
- C) Our Constitution has various provisions
- D) The executive can overrule the judgment given by the Supreme/High courts.

**Ans.** C) Our Constitution has various provisions

**Q15 The idea of the Public Interest Litigation was given by whom?**

- A) President of India
- B) Prime Minister of India
- C) Supreme Court of India
- D) Parliament

**Ans.** C) Supreme Court of India

## **JUDICIARY SUMMARY**

In the context of an 8th-grade understanding, the term "Judiciary" refers to the branch of government responsible for interpreting laws, settling legal disputes, and ensuring justice. Here's a summary:

### **1. Role of the Judiciary:**

- The judiciary is one of the three main branches of government, alongside the executive and legislative branches.
- Its primary role is to interpret laws, ensure their constitutionality, and administer justice in legal disputes.

### **2. Judicial Independence:**

- Judicial independence is a key principle, ensuring that the judiciary can make decisions free from external influence, including from the executive and legislative branches.
- Judges are often appointed for life or a long term to reduce the potential for political pressure.

### **3. Hierarchy of Courts:**

- Most judicial systems have a hierarchy of courts, with lower courts handling minor cases and higher courts dealing with more complex or significant legal matters.

- Appeals can be made from lower courts to higher courts.

#### **4. Adjudication of Lawsuits:**

- The judiciary resolves disputes between individuals, organizations, or the government by applying existing laws to specific cases.
- Courts may handle civil cases (disputes between private parties) and criminal cases (prosecution for offenses against the state).

#### **5. Constitutional Review:**

- The judiciary often has the authority to review the constitutionality of laws and government actions.
- This power ensures that laws and actions comply with the constitution and do not violate citizens' rights.

#### **6. Interpretation of Laws:**

- Judges interpret laws to determine their meaning and application in specific cases.
- Legal precedents, or past decisions, can influence judicial interpretations.

#### **7. Presumption of Innocence:**

- In criminal cases, the judiciary upholds the principle of "innocent until proven guilty."
- The prosecution must present evidence to convince the court of the defendant's guilt beyond a reasonable doubt.

## **8. Enforcement of Judgments:**

- Once a court makes a decision, it issues a judgment. The judiciary ensures the enforcement of these judgments, often relying on law enforcement agencies and other government bodies.

## **9. Protection of Rights:**

- The judiciary plays a crucial role in protecting individual rights and freedoms, ensuring that laws and government actions do not infringe upon citizens' constitutional rights.