

Key Notes

Chapter – 05 Civics

Judiciary

- **What is the Role of the Judiciary:**

- (i) The judicial system provides a mechanism for resolving disputes between citizens, citizens and the government, two state governments and the central and state governments.
- (ii) The judiciary has the power to strike down particular laws passed by the Parliament if it believes that these are a violation of the basis structure of the Constitution. This is called judicial review.
- (iii) Every citizen of India can approach the Supreme Court or the High Court if his/her Fundamental Rights have been violated.

- **What is an Independent Judiciary:**

- (i) India has an independence of the judiciary that allows the courts to play a central role in ensuring that there is no interference of power by the legislature and the executive.
- (ii) It plays a crucial role in protecting the Fundamental Rights of citizens because anyone can approach the courts if they believe that their rights have been violated.

- **What is the Structure of Courts in India:**

- (i) There are three different levels of courts in our country.
- (ii) At district level, we have subordinate or district courts. At the state level, we have several High Courts. The High Court is the highest judicial authority in a state. At the top is the Supreme Court.
- (iii) The Supreme Court of India is the highest judicial authority. It is located in New Delhi and is presided over by the Chief Justice of India. The decisions made by the Supreme Court are binding on all other courts in India.
- (iv) In India, we have an integrated judicial system, meaning that the decision made by higher courts are binding on the lower Courts.

- **What are the Different branches of the Legal System:**

- (i) Court cases are broadly divided into civil cases and criminal cases.
 - (ii) Civil law deals with any harm or injury to rights of individuals.
 - (iii) Criminal law deals with the conduct or acts that the law defines as offences.
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- (iv) In civil cases, a petition has to be filled before the relevant court by the affected party only.
- (v) In criminal cases, it usually begins with the lodging of our First Information Report (FIR) with the police who investigate the crime after which a case is filled in the court.

- **Does Everyone Have Access to the Courts:**

- (i) In principle, all citizens of India can access the courts in this country. This implies that every citizen has a right to justice through the courts.
 - (ii) Legal procedures involve a lot of money and paper work which take up a lot of time. Poor people often avoid to go to the court to get justice.
 - (iii) The Supreme Court devised a mechanism of Public Interest Litigation or (PIL) to increase access to justice in 1980's. It allowed any individual or organization to file a PIL in the High Court or the Supreme Court on behalf of those whose rights were being violated.
 - (iv) The legal process was simplified and even a letter or telegram addressed to the Supreme Court or the High Court could be treated as a PIL.
 - (v) The court exercises a crucial role in interpreting the Fundamental Rights of Citizens.
 - (vi) The judiciary serves as a check on the powers of the executive and the legislature and protecting the Fundamental Rights of the citizens.
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