Question-1

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?

Solution:

The independence of the judiciary allows the courts to play a central role in 'upholding the law and Enforcing Fundamental Rights' as it ensures that there is no misuse of power by the legislature and the executive. Anyone can approach the courts if they believe that their rights have been violated and Politicians or other socially powerful people cannot use their power to change any judgement.

Question-2

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?

Solution:

Right to Constitutional Remedies declares that citizens can go to court for justice if they believe that any of their Fundamental Rights have been violated by the State. Hence the independence of the judiciary is necessary to uphold the rights of the citizens

Question-3

In the following illustration, fill in each tier with the judgmentgiven by the various courts in the Sudha Goel case. Check our responses with others in class.

Solution:

Lower court: The Lower Court convicted Sudha's husband, his mother and his brother-in-law and sentenced all three of them to death.

High Court: The High Court passed the judgement stating that Sudha's husband and the others were innocent and set them free.

Supreme Court: The Supreme Court passed a judgement stating that Sudha's husband and his mother were guilty and sentenced them to prison for life. The court freed the brother-in-law.

Question-4

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

Solution:

(a) True

(b) False: They went to the Supreme court after the High court had given its decision

(c) False: The verdict of the Supreme Court is final.

Question-5

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?

Solution:

Access to courts has always been difficult for a vast majority of the poor in India. Legal procedures involve a lot of money and time. The poor who are illiterate and financially weak find it difficult going to court to get justice.

In the 1980s the Supreme Court devised a mechanism of Public

Interest Litigation or PIL to increase access to justice for the poor and illiterate. Any individual or organisation can file a PIL in the High Court or the Supreme Court on behalf of those whose rights are being violated. It is not necessary, that the person filing a case should have a direct interest in the case.

Question-6
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.
Solution:
Olga Tellis vs Bombay Municipal Corporation case portrays the plight of lakhs of persons who live on pavements and in slums in the city of Bombay. They constitute nearly half the population of the city.
These men and women came to Court to ask for a judgment that they cannot be evicted from their shelters without being offered alternative accommodation. They rely for their rights on Article 21 of the Constitution which guarantees that no person shall be deprived of his life except according to procedure established by law.
They do not contend that they have a right to live on the pavements. Their contention is that they have a right to live, a right which cannot be exercised without the means of livelihood. They have no option but to flock to big cities like Bombay, which provide the means of bare subsistence. They only choose a pavement or a slum which is nearest to their place of work.
Their plea is that the right to life is misleading without a right to the protection of the means by which alone life can be lived.

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