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**Chapter 5 Judiciary**

Q. what do you understand by the word ‘law’ ?

Ans . Law is a system of rules, usually imposed through a government or institution and is applied to govern a group people. It shapes politics , economic and society in numerous ways.

Q. what does Judiciary mean?

Ans . In law , the judiciary or judicial system is the system of court which administers justice in the name of the state. It is the mechanism for the resolution of disputes and pronouncement of punishment.

Q. How is the work of the judiciary categorized ?

Ans. The judiciary of comprise of court that take decisions on a very large number of issues . the work of the judiciary can be divided into 3categories,namely Dispute Resolution , Judicial Review and upholding the law and enforcing fundamental right.

Q, writ a brief nots on the independence of the judiciary.

Ans. The judiciary of India is an independent body. It is separate from the Executive and Legislative bodies of the Indian Government. The Executive and Legislature, that is the Central and State Government, cannot interfere in the work of the judiciary. The court are not under the government and do not act on their behalf.

Q. What is referred to as the supreme law of the land?

Ans. Constitution is referred to as the supreme law of the land.

Q. Which is the highest court of appeal in our country?

Ans. Supreme Court is the highest court of appeal in our country.

Q. Why do we need judicial system in our country?

Ans. The need for judicial system in our country because:

• To enforce this rule of law, we have a judicial system that consists of the mechanism of courts that a citizen can approach when a law is violated.

• As an organ of the State, the judiciary plays a crucial role in the functioning of India’s democracy.

Q. Describe the functions of the judiciary.

¬ Dispute Resolution: The judicial system provides a mechanism for resolving disputes between citizens, between citizens and the government, between two state governments and between the centre and state governments.

¬ Judicial Review: As the final interpreter of the Constitution, the judiciary also has the power to strike down particular laws passed by the Parliament if it believes that these are a violation of the basic structure of the Constitution. This is called judicial review.

¬ Upholding the Law and Enforcing Fundamental Rights: Every citizen of India can approach the Supreme Court or the High Court if they believe that their Fundamental Rights have been violated.

Q. How is independence of judiciary implemented?

Ans. There are 3 organs of government in our country that is legislature, executive and judiciary. At the same time there is separation of powers which ensures the independence of judiciary in the following ways:

¬ This means here is that other branches of the State-like the legislature and the executive – cannot interfere in the work of the judiciary.

¬ The courts are not under the government and do not act on their behalf.

¬ It is also crucial that all judges in the High Court as well as the Supreme Court are appointed with very little interference from these other branches of government.

¬ It is the independence of the judiciary that allows the courts to play a central role in ensuring that there is no misuse of power by the legislature and the executive.

¬ It also 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.

Q. Do all the people of India have an access to court?

Ans ¬ 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.

¬ If any citizen believes that their rights are being violated, then they can approach the court for justice courts are available for all, in reality access to courts has always been difficult for a vast majority of the poor in India.

¬ Legal procedures involve a lot of money and paperwork as well as take up a lot of time.

¬ For a poor person who cannot read and whose family depends on a daily wage, the idea of going to court to get justice often seems remote. Ques9) Write a short note on public interest litigation.

¬ The Supreme Court in the early 1980s devised a mechanism of Public Interest Litigation or PIL to increase access to justice.

¬ 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.

¬ The legal process was greatly simplified and even a letter or telegram addressed to the Supreme Court or the High Court could be treated as a PIL.

¬ In the early years, PIL was used to secure justice on a large number of issues such as rescuing bonded labourers from inhuman work conditions; and securing the release of prisoners in Bihar who had been kept in jail even after their punishment term was complete.

Q. Describe different branches of legal system.

**Criminal Law**¬ Deals with conduct or acts that the law defines as offences. For example, theft, harassing a woman to bring more dowry, murder.

¬ It usually begins with the lodging of a First Information Report (FIR) with the police who investigate the crime after which a case is filed in the court.

¬ If found guilty, the accused can be sent to jail and also fined.

**Civil Law**¬ Deals with any harm or injury to rights of individuals. For example, disputes relating to sale of land purchase of goods, rent matters, divorce cases.

¬ A petition has to be filed before the relevant court by the affected party only. In a rent matter, either the landlord or tenant can file a case.

¬ The court gives the specific relief asked for. For instance, in a case between a landlord and a tenant, the court can order the flat to be vacated and pending rent to be paid.

Q. Explain the phrase ‘Justice delayed, justice denied.

Ans. The issue that affects the common people access to justice is the inordinately long numbers of year that courts take to hear a case. The phrase ‘justice delayed is justice denied’ is often used to characterize this extend time period that courts take. For Example:- There is murder case in a house and it’s been 10 -12 yrs and the judge has still not given the judgments. Therefore, the meaning doesn’t remain the same. The person’s case is pending and he is spending time in the jail.

Q. Why is the judiciary important for the functioning of the democracy in India?

Ans. However, in spite of this there is no denying that the judiciary has played a crucial role in democratic India, serving as a check on the powers of the executive and the legislature as well as in protecting the fundamental rights of citizens. The members of the constituent assembly had quite correctly envisioned a system of courts with an independent judiciary as a key feature of our democracy.