

CLASS-8

CIVICS

CH-5 JUDICIARY

TERMINOLOGIES

Acquit- This refers to the court declaring that a person is not guilty of the crime which he/she was tried for by the court.

Compensation- This refers to the money given to make amends for an injury or loss.

To Appeal- This refers to a petition filed before a higher court to hear a case that has already been decided by a lower court.

Eviction- This refers to the removal of persons from land/homes that they are currently living in.

Violation- It refers both to the act of breaking a law as well as to the breach or infringement of Fundamental Rights.

(A) VERY SHORT QUESTIONS/ANSWERS

1. What is the present location of Supreme Court of India?

Answer:

Supreme Court of India is presently located at Tilak Marg, New Delhi.

2. When did the Supreme Court devise the mechanism of PIL?

Answer:

The Supreme Court devised the mechanism of Public Interest Litigation in 1980.

3. State the levels of court in our country.

Answer:

There are three different levels of courts in our country.

4. Write few example of the criminal law.

Answer:

Theft, harassing a woman to bring more dowry, murder, etc.

5. What is the full form of PIL?

Answer:

Public Interest Litigation.

6. Name the three Presidency cities in which High Courts were first established.

Answer:

High Courts were first established in the three Presidency cities of Calcutta, Bombay and Madras in 1862.

7. Is Indian judiciary is dependent or independent?

Answer:

Indian Judiciary is independent.

8. Write any one aspect of the independent judiciary.

Answer:

The main aspect of Independent Judiciary is no influence of others.

9. Which is the Apex Court of any state?

Answer:

The High court of that state.

10. What is the meaning of integrated judicial system in respect to India?

Answer:

It means that the decisions made by higher courts are binding on the lower courts.

11. Where does a person can appeal if they believe that decisions are made by the lower court is not just?

Answer:

A person can appeal to a higher court if they believe that the judgement passed by the lower court is not just.

12. In which year was the PIL mechanism was devised by the Supreme court?

Answer:

In 1980.

13. Which law deals with conduct or acts that the law defined as offences?

Answer:

Criminal law.

14. When was the Supreme court was established in India?

Answer:

The Supreme court was established on 26th Jan 1950 the day India became a Republic.

SHORT QUESTIONS /ANSWERS

1. State the basic difference between criminal law and civil law.

Answer:

The basic difference is:

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

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.

2. How does the Supreme Court ensure the protection of Fundamental Rights.

Answer:

Independence of judiciary allows the court to ensure the proper functioning of executive and legislature. 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.

3. What role does separation of power play in making independence of judiciary successful?

Answer: One of the aspects of this independence is the separation of power which is the key feature of the Constitution and this means 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.

4. What happened in the case 'Paschim Banga Khet Mazdoor Samity vs State of West Bengal' (1996)?

Answer: Hakim Sheikh, an agricultural labourer, who fell from a running train and injured himself and whose condition got worse because several hospitals refused to admit him.

On this Supreme Court directed the West Bengal government to pay him compensation for the loss suffered as well as to come up with a blueprint for primary health care with particular reference to treatment of patients during an emergency.

5. What is Judicial Review?

Answer:

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.

EXERCISE QUESTIONS/ANSWERS

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?**

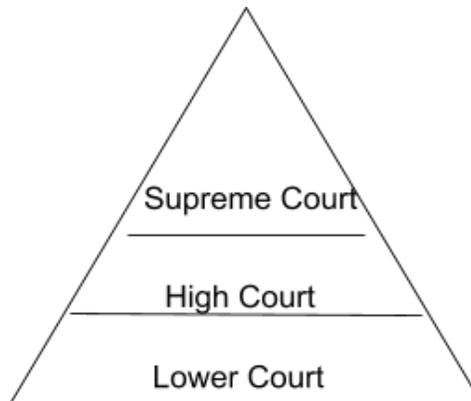
Answer An independent judiciary is necessary to carry out the function of ‘upholding the law and enforcing Fundamental Rights’. It intends to shield the judicial process from external influences and provide full legal protection to all individuals going to court for whatever reason.

Anyone can approach the courts if they believe that their rights have been violated. If any law passed by the Parliament violates anyone’s Fundamental Rights, the judiciary has power to declare such a law as null and void.

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?**

Answer The Right to Constitutional Remedies connects to the idea of judicial review in its capacity of protecting the rights of an individual against the working of the State legislature or executive. It allows citizens to move the court if they think that their fundamental rights are being violated by the State administration. Judicial review implies invalidation of legislative or executive action if it is seen to violate fundamental rights. Hence, judicial review and the Right to Constitutional Remedies are interconnected because the judicial review is practiced when any fundamental Right is violated by the State. In this case, a higher court can repeal the judgments of a lower court based on its own investigation.

3. **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

1. Lower Court (Trial Court): Laxman, his mother Shakuntala and his brother-in-law Subhash Chandra were sentenced to death.
2. High Court: Laxman, Shakuntala and Subhash Chandra were acquitted.
3. Supreme Court: Laxman and Shakuntala were given life imprisonment, while Subhash Chandra was acquitted for lack of sufficient evidence.

4. **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 High Court after the Trial Court had given its decision.

(c) False. If they do not like the Supreme Court verdict, the accused cannot go back again to the Trial Court, because the Supreme Court is the highest court in the judiciary pyramid.

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?

Answer

- (a) The Supreme Court in the early 1980s devised a mechanism of Public Interest Litigation or PIL to increase access to justice.
- (b) It allowed any individual or organisation to file a PIL in the High Court or the Supreme Court on behalf of those whose rights were being violated.
- (c) 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.
- (d) 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.
- (e) Thus, the introduction of Public Interest Litigation is a significant step in ensuring access to justice for all.

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.

Answer In the Olga Tellis vs. Bombay Municipal Corporation case, the judges stated that the Right to Livelihood was part of the Right to Life. They stated that life does not merely mean an animal existence, it cannot be lived without the means of livelihood. In the above mentioned case, people were poor and lived in slums they had small jobs and no other place to live. For them, the eviction of their slum means deprivation of their livelihood which consequently means deprivation of life. This is how judges connected right to life to the basic requirements of any livelihood i.e. Food, Clothes and shelter.