

Lesson at a Glance

- The rule of law is enforced through a **judicial system** which consists of the mechanism of courts. Whenever a law is violated one can approach these courts.
- The judiciary is **an organ of the State**. It plays a major role in a democratic country. It performs several functions:
 - The judiciary not only **applies the law of the country**, it also **settles disputes** and **punishes the guilty**. These disputes may take place between citizens, between citizens and the government, between two state governments and between the centre and state government.
 - The judiciary has the power to modify or cancel laws if it finds that they violate the basic structure of the constitution. This is known as **judicial review**.
 - In case our Fundamental Rights are violated, we can approach the Supreme Court or the High Court. In this sense, the courts play a very significant role in protecting our Fundamental Rights.
- We have an **independent judiciary**. It means that the courts are not under the government and do not act on their behalf.
- The Courts play a central role in ensuring that there is no misuse of power by the legislature and executive.
- There are three different levels of courts in our country. At the **district level**, we have **subordinate 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**. The Supreme Court of India is the highest judicial authority in our country. It is located in New Delhi and is presided over by the **Chief Justice of India**. The decisions made by the Supreme Court is **binding** on all other courts in India.
- We have an **integrated judicial system**. It means that the decisions made by the higher courts are binding on the lower courts.
- Different levels of courts are connected to each other through the **appellate system** which means that a person can appeal to a

higher court if they are not satisfied with the judgement passed by the lower court.

- Court cases are broadly divided into two categories:
 - **Civil cases** deals with matters like money, property, inheritance, marriage disputes, etc.
 - **Criminal cases** deal with cases of theft, cheating, robbery, physical injury and murder.
- In Civil cases, a petition has to be filed before the relevant court by the affected party only. The court gives the specific relief asked for.
- Criminal cases usually begin with the lodging of an **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.
- In principle, all citizens of India can approach the courts in the country and seek justice. But in reality, courts are not easily accessible. For a vast majority of the poor in India, it is very difficult to approach the courts. **Legal procedures** involve a lot of money and paper work takes up a lot of time. Therefore, poor people often avoid to go to the courts to get justice.
- The Supreme Court, therefore, devised a mechanism of **Public Interest Litigation** or PIL in the early 1980s in order to increase access to justice. It allowed any individual or organisation to file a PIL in the High Court or the Supreme Court on behalf of these 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-TEXT QUESTIONS SOLVED ■

1. List two reasons why you believe an independent judiciary is essential to democracy.

[NCERT Textbook, page 57]

- Ans.** ● An independent judiciary provides impartial judgement, which is very important in a democracy.
- It protects the Fundamental Rights of citizens. Anyone can approach the courts if they believe that their rights are violated.

2. Write two sentences of what you understand about the appellate system from the case, 'State (Delhi Administration) vs Laxman Kumar and others (1985)' given in the textbook. [NCERT Textbook, page 59]

- Ans.** In the appellate system, a person can appeal to a higher court against the judgement of the lower court. As the highest judicial authority the Supreme Court has the power to review the decisions of the High Court and give its own judgements.

■ TEXTBOOK QUESTIONS SOLVED ■

Let's Recall

- Q. 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?

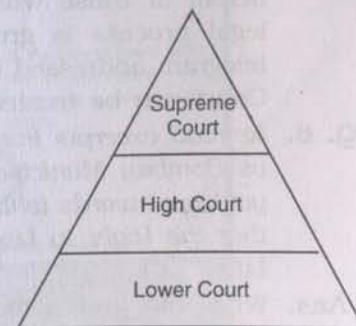
- Ans.** An independent judiciary can be able to protect our Fundamental Rights. The judiciary is above all prejudices. It is above all caste, creed or religion. This is the only cause that it conducts a fair trial and gives fair justice. Any influence from any individual or machinery cannot affect the judiciary.

- Q. 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?

- Ans.** The Rights to Constitutional Remedies allows citizens to approach the court if they believe that any of their Fundamental Rights have been violated by the State. The judiciary has the power to strike down particular laws passed by the Parliament if it finds that they violate the basic structure of the constitution. Thus, the Right to constitutional Remedies connects to the idea of judicial review.

- Q. 3. In the following illustration, fill in each tier with the judgement given by the various courts in the Sudha Goel case. Check your responses with others in class.

- Ans. Lower Court.** The Lower Court convicted



Laxman, his mother Shakuntala and his brother-in-law Subash Chandra and sentenced all three of them to death.

High Court. The High Court acquitted Laxman, Shakuntala and Subash Chandra.

Supreme Court. The Supreme Court found Laxman and his mother guilty but acquitted the brother-in-law Subash because they did not have enough evidence against him. The Supreme Court decided to send the accused to prison for life.

Q. 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.

Ans. (a) True

(b) False

(c) False

Q. 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?

Ans. PIL is a significant step in ensuring access to justice for all. It allows any individual or organisation to file a PIL in the High Court or the Supreme Court on behalf of those whose rights are being violated. Its legal process is greatly simplified. Even a letter or telegram addressed to the Supreme Court or the High Court can be treated as a PIL.

Q. 6. Re-read excerpts from the judgement 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 a part of the Right to Life.

Ans. What the judges meant was that no person can live without the means of livelihood.

Q. 7. Write a story around the theme, 'Justice delayed is justice denied.'

Ans. Students are suggested to create their story around the theme given.

Q. 8. Make sentences with each of the glossary words given in the textbook.

Ans. • **Acquit.** The High Court acquitted K.D. Mittal of the charges of the murdering of his neighbour's son.

• **To appeal.** Mr. Hari Ram approached the Supreme Court to appeal against the judgement of the High Court.

• **Compensation.** The state government declared to pay compensation to the factory workers for injuries they got at work.

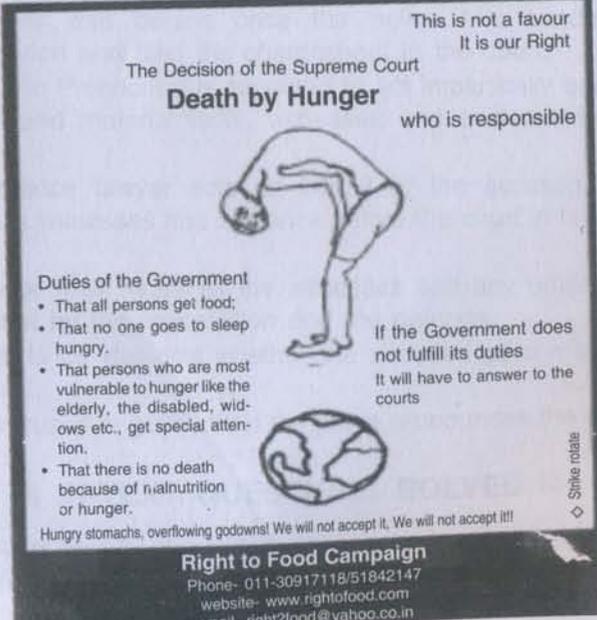
• **Eviction.** The tenant faced eviction for not paying the rent.

• **Violation.** My neighbour was fined for violation of traffic rules.

Q. 9. The following is a poster made by the Right to Food campaign.

This is not a favour.
It is our Right

The Decision of the Supreme Court
Death by Hunger
who is responsible



Duties of the Government

- That all persons get food;
- That no one goes to sleep hungry.
- That persons who are most vulnerable to hunger like the elderly, the disabled, widows etc., get special attention.
- That there is no death because of malnutrition or hunger.

If the Government does not fulfill its duties it will have to answer to the courts

Hungry stomachs, overflowing godowns! We will not accept it. We will not accept it!!

Right to Food Campaign
Phone- 011-30917118/51842147
website- www.righttofood.com
email- right2food@yahoo.co.in

Shrike rotale

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 ?

Ans. The Constitution provides Right to Food under the Fundamental Rights. If this Right is hurt or affected by any reason, the government is solely liable for this. If one dies out of hunger, the government is responsible for it. Very recently we have seen cases of suicide by the farmers. The government has to check such happenings. Sometimes, traders cause such situations by hoardings. A crisis of food is created by these hoardings. The government must find out these hoarders and punish them.

