

The Judiciary

I. Fill in the blanks:

1. The **Supreme Court** is the highest court of appeal in India.
2. The Supreme Court of India consists of a **Chief Justice** and **30 other judges**.
3. The judges of the High Court retire at the age of **62 years**.
4. The courts at the district level and below it are known as the **subordinate courts**.
5. The Chief Justice of India is **J.S. Khehar**.

II. Match the contents of Column A with those of Column B:

- | | |
|---------------------|--|
| 1. Parliament | (a) village courts. |
| 2. Supreme Court | (b) hears criminal cases. |
| 3. A District Judge | (c) hears civil cases. |
| 4. A Sessions Judge | (d) decides the number of judges in the Supreme Court. |
| 5. Nyaya Panchayats | (e) is the highest court of appeal in India. |

Answer:

- | | |
|---------------------|--|
| 1. Parliament | (d) decides the number of judges in the Supreme Court. |
| 2. Supreme Court | (e) is the highest court of appeal in India. |
| 3. A District Judge | (c) hears civil cases. |
| 4. A Sessions Judge | (b) hears criminal cases. |
| 5. Nyaya Panchayats | (a) village courts. |

III. Tick mark (✓) the correct statements and cross mark (X) the wrong ones:

1. The judges of the Supreme Court retire at the age of 60. **X**
2. The President of India is free to remove the judges of the Supreme Court. **X**
3. The Chief Justice of the High Court is appointed by the President of India. **✓**
4. The highest criminal court in the district is the munsif court. **X**

IV. Answer the following questions:

Question 1.

Why is the Judiciary important?

Answer:

Judiciary is important because criminals and law breakers need to be punished. It is important to explain the meaning of laws, to interpret them and to apply them when and where needed. Legal disputes need to be settled. Without judiciary legal disputes cannot be settled.

Question 2.

What is the composition of the Supreme Court?

Answer:

The Supreme Court Consists of the Chief Justice and not more than thirty other judges. The number of judges in the Supreme Court is fixed by parliament from time to time.

Question 3.

Who appoints the judges? What are the qualifications of a Supreme Court judge?

Answer:

The Chief justice and the other judges are appointed by the President of India. In order to be judge of the Supreme Court, a person must meet the following requirements:

1. He must be a citizen of India.
2. He should either be a distinguished jurist.
OR
3. He should have been a high court judge for at least five years.
OR
4. He should have been an advocate of a High Court for at least ten years.

Question 4.

Describe the powers and functions of the High Court of India. What type of cases come before the High Courts in India?

Answer:

A High Court of India has to perform many functions and duties of judicial and non-judicial nature.

1. Original Jurisdictions : Cases relating to Fundamental Rights, divorce, wills and laws relating to marriage can be brought directly to a High Court.
2. Appellate Jurisdiction : Appeals in civil and criminal cases are made to the High Court against the decision of the subordinate courts.

The High Court supervises the functions of all subordinate courts in the state. It can also transfer a case from a subordinate court to itself or to another subordinate court if necessary. It can also examine their records.

Question 5.

What are the functions of a district judge?

Answer:

The courts at district level and below it are known as the subordinate courts. The administration of justice is conducted by two types of courts civil courts and criminal courts.

The civil courts are the one which decide cases pertaining to money, contracts, marriage, etc. A District Judge is the head of judiciary in a district. His decisions are final. When the District Judge deals with criminal cases, he is known as the Sessions Judge.

Question 6.

Distinguish between civil and criminal cases.

Answer:

Civil cases are those which concern property disputes, contracts, marriage, divorce, etc. Criminal case are those where a crime has been committed e.g., murder, theft, etc.

Question 7.

Explain various types of writs. When are they issued?

Answer:

Supreme Court and High Courts protect Fundamental Rights from being eroded.

They issue the following writs to the offending party:

1. **Habeous Corpus:** It can get the body of any person released if it has been illegally captured.
2. **Prohibition:** This is an order from a superior court to an inferior court to stop proceedings in a case which might be contemplating to do in excess of its jurisdiction.
3. **Certiorari:** The writ is issued by a superior court to a judicial or quasi-judicial authorities in order to quash its order or decision. The difference between Prohibition and Certiorari is that while the former is issued when certain proceedings are still going on, the latter is issued only when the order has already been passed.
4. **Mandamus:** It literally means 'we command'. This writ is thus a sort of command from a superior court to a subordinate court or an administrative authority in case they refuse to exercise their jurisdiction and fail to perform their duty.
5. **Quo Warranto:** Such a type of writ is issued by a court to a public servant to enquire into the legality of his holding a public office and to oust him if his claim is not well-founded. Then this writ prevents an unlawful claimant from holding a superior public office.

Additional Questions

A. Fill in the blanks:

1. In India there is a **single** unified system of courts for the Indian Union and the states.
2. The Supreme Court of India is located in **New Delhi**.
3. To qualify for the post of a judge in the Supreme Court, a person must either be an advocate of a High Court for at least **ten** years or a judge of a High Court for **five** years' standing.
4. The High Court **controls** and **supervises** the functioning of subordinate courts.
5. The records of the High Court serve as **references** for **lower** courts in future cases.

B. Match the following:

- | | |
|---------------------|--|
| 1. Supreme Court | (a) can have two more states under its jurisdiction. |
| 2. High Court | (b) village level courts |
| 3. Nyaya Panchayats | (c) affordable and speedy justice |
| 4. Lok Adalats | (d) free legal aid and service |
| 5. Legal Aid Scheme | (e) the apex court of India |

Answer:

- | | |
|---------------------|--|
| 1. Supreme Court | (e) the apex court of India |
| 2. High Court | (a) can have two more states under its jurisdiction. |
| 3. Nyaya Panchayats | (b) village level courts |
| 4. Lok Adalats | (c) affordable and speedy justice |
| 5. Legal Aid Scheme | (d) free legal aid and service |

C. Choose the correct answer:

1. Disputes between the union government and the state government fall under the Original/Advisory/Appellate Jurisdiction of the Supreme Court.
Ans. Disputes between the union government and the state government fall under the Original Jurisdiction of the Supreme Court.
2. The District Court/Nyaya Panchayats/Supreme Court has the power of judicial review.
Ans. The Supreme Court has the power of judicial review.
3. The High Court is the highest court of justice in a village/ district/state
Ans. The High Court is the highest court of justice in-a state.
4. Judges of the High Court can serve till they are 60/62/65 years old.
Ans. Judges of the High Court can serve till they are 62 years old.
5. The Nyaya Panchayats/Lok Adalats/District Courts were set up to provide quicker and cheaper judicial services.
Ans. The Loh Adalats were set up to provide quicker and cheaper judicial services.

D. State whether the following are true or false:

1. The Chief Justice of the Supreme Court is appointed by the Prime Minister of India.
False.
2. No cases can be brought directly to the Supreme Court for the first time.
False.
3. A High Court is not a court of record.
False.
4. A Nyaya Panchayat can impose a fine upto ? 10,000.
False.
5. The process of obtaining justice through law courts is a long-drawn-out and expensive process in our country.
True.

E. Answer the following questions in one or two words/ sentences:

Question 1.

On what grounds can Supreme Court judges be removed from office?

Answer:

Supreme Court judges can only be removed on grounds of proven misbehaviour or incapacity, through impeachment.

Question 2.

Mention any two kinds of disputes that can be brought directly before the Supreme Court.

Answer:

Following cases can be directly brought before the Supreme Court:

1. If there are disputes between the Union Government and a State Government or more than one State Government.
2. Cases concerning the violation of the Constitution by the Government or an individual.

Question 3.

What is the Advisory Jurisdiction of the Supreme Court?

Answer:

The Supreme Court can advise the President, on request, on legal and constitutional issues. The President may or may not accept the advice.

Question 4.

Why are the records of the cases and judgement of the Supreme Court important?

Answer:

These records serve as references in future cases.

Question 5.

Who appoints the Chief Justice of the High Courts?

Answer:

The President appoints the Chief Justice of the High Court and the other judges in consultation with the Governor of the state and the Chief Justice of India.

Question 6.

What are writs ?

Answer:

A writ is a form of written command, or legal document giving order or direction to a person to act or not to act in a particular way. Some of the writs are the writs of Habeus Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto, etc.

Question 7.

What is a Nyaya Panchayat?

Answer:

Nyaya Panchayat is a small law court at the village level which try petty civil and criminal cases such as trespassing, personal disputes, minor thefts etc.

Question 8.

Why have Lok Adalats been set up?

Answer:

In order to provide quicker and cheaper judicial services, Lok Adalats have been set up.

Question 9.

Why are Lok Adalats becoming popular?

Answer:

Lok Adalats are becoming popular because they provide affordable and speedy justice.

Question 10.

What is the objective of the Legal Aid Scheme?

Answer:

The objective of the Legal Aid Scheme, is to provide free legal aid and legal services to the poorer and weaker sections of the society.

F. Answer the following questions briefly:

Question 1.

The Supreme Court is the highest judicial body in the country. In this context, explain:

- (a) Its original Jurisdiction
- (b) Its Appellate Jurisdiction.
- (c) Why it is called the guardian of the Constitution.

Answer:

(a) Original Jurisdiction: Certain cases are brought before the Supreme Court directly, for the first time. This happens in cases involving:

- 1. Disputes between the union government and one or more state governments.
- 2. Disputes between two or more states governments.
- 3. Violation of the Constitution by the government or an individual.
- 4. Violation of the Fundamental Rights of an individual.

(b) Appellate Jurisdiction: The Supreme Court hears appeals against judgements of High Courts. The Supreme Court is the final court of appeal and has power to review and change decisions of the High Court.

(c) The Supreme Court is the guardian of the Constitution. It safeguards the Constitution in two ways:

- 1. It can cancel a law or an executive order if it is found to violate the Constitution.
- 2. It can issue writs (orders or directions) for the enforcement of the Fundamental Rights.

Question 2.

With reference to the powers of the High Court, discuss its:

- (a) Original Jurisdiction
- (b) Appellate Jurisdiction.
- (c) Review and Revisory Jurisdiction

Answer:

(a) Original Jurisdiction: A High Court can hear the cases brought for the first time or we can say original cases if they are concerned with disputes regarding Fundamental rights and election petitions. **(b) Appellate Jurisdiction:** A High Court has Appellate Jurisdiction where it can hear appeals against judgements passed in Subordinate Courts. The High Court can review and change decisions taken in the Subordinate Courts.

(c) The High Court can review and change decisions taken in the subordinate courts. It can also transfer a case from one court to another. A High Court also controls and supervises the functioning of subordinate courts.

Question 3.

In the context of the judicial system in India, answer the following questions:

(a)

What are the main features of a Nyaya Panchayat?

Answer:

Nyaya Panchayat try petty civil and criminal cases of the village level. They can impose fines upto 100 Rs. only and appeals can be made against decisions taken in the Nyaya Panchayat, to higher courts.

(b)

Why are Lok Adalats are becoming popular in India?

Ans.

Lok Adalats are becoming popular because they provide affordable and speedy justice.

(c)

Mention the sections of society which receive free legal services under the Legal Aid Scheme.

Ans.

Sections of society who receive free legal services under the Legal Aid Scheme are:

1. People belonging to Scheduled Castes, Scheduled Tribes and Other backward classes.
 - People who are mentally ill or disabled.
 - Women and children.

G Picture study:



This is a picture of the apex Indian court.

1. Identify it.

Ans. It is Supreme Court of India.

2. What is the composition of this court?

Ans. It has one Chief Justice and a number of other Judges. At Present, the number of Judges including the Chief Justice cannot exceed twenty-five.

3. Who appoints the judges?

Ans. The Judge of the Supreme Court are appointed by the President on the advice of the Council of Ministers and the Chief Justice of India.

4. Explain its role as the guardian of the Constitution.

Ans. The Supreme Court is the guardian of the Constitution.

It safeguards the Constitution in two ways:

1. It can cancel a law or an executive order if it is found to violate the Constitution.
2. It can issue writ (orders or directions) for the enforcement of the Fundamental Rights.