

# Social Science

(Social and Political Life) (Chapter - 4) (Judiciary)  
(Class - 8)

## 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?

### Answer 1:

An independent judiciary is necessary to carry out the function of 'upholding the law and enforcing Fundamental Rights'. 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 law null and void.

## Question 2:

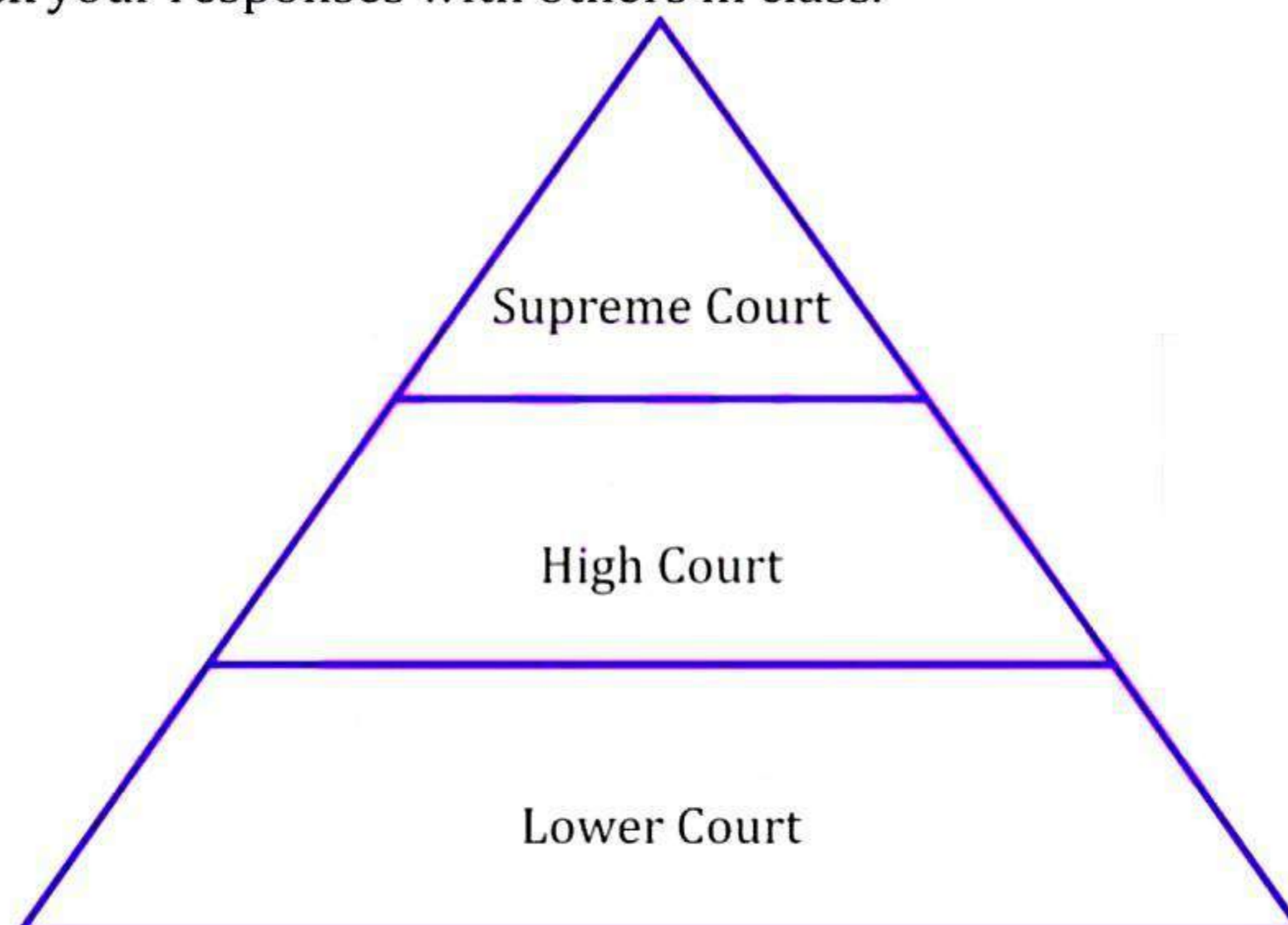
Re-read the list of Fundamental Rights provided in Chapter 1. How do you think the Right to Constitutional Remedies connects to the idea of judicial review?

### Answer 2:

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. The Right to Constitutional Remedies allows citizens to move the court if they think that any of 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, the Right to Constitutional Remedies and judicial review are inter-connected because the latter is practiced when a 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.

## Question 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 3:

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

#### Question 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 4:

- (a) True
- (b) They went to the High Court after the Trial Court had given its decision.
- (c) If they do not like the Supreme Court verdict, the accused cannot go back again to the Trial Court.

#### 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?

#### Answer 5:

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 organisation 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 terms was complete.

Thus, the introduction of PIL is really a significant step in ensuring access to justice for all.

#### 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.

#### Answer 6:

In *Olga Tellis vs. Bombay Municipal Corporation* case, the judges said that the Right to Livelihood was part of the Right to Life. They stated that life does not merely imply an animal existence; it cannot be lived without a means of living, that is, "the means of livelihood". In the case of *Olga Tellis vs Bombay Municipal Corporation*, the people live in slum. They have small jobs in the city and for them there is nowhere else to live. The eviction of their slum will lead to deprivation of their livelihood and consequently to the deprivation of life.

Thus, it can be said that Right to Life means the need of basic requirements of livelihood i.e., food, shelter and cloth.

#### Question 7:

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

#### Answer 7:

Nitin Narang was a bank officer. After retirement he came back to his forefather's house. He requested the tenant to vacate the house. But the tenant did not vacate the house. Tenant challenged that if Nitin Narang wanted to have his house vacated, he should move to court for justice. He was compelled to live in a rented house. The owner lodged litigation against the tenant. After fighting the case for five years, the owner won the case. The decision was made in his favour by the Trial Court. But the tenant appealed in the High Court against the lower court decision. It again took five years for justice. In the meantime Nitin Narang kept on living in the rented house because unless there was judgement, he had no other option. In such a situation we can say, 'Justice delayed is justice denied'.

### Question 8:

Make sentences with each of the glossary words given on the next page.

- (a) Acquit
- (b) To appeal
- (c) Compensation
- (d) Eviction
- (e) Violation

### Answer 8:

- (a) **Acquit** - The case in favour of Manish led the High Court to *acquit* him of all charges of guilt that the Trial Court had levied on him.
- (b) **To appeal** - The women's organization lent strong support to the domestic maid *to appeal* against charges of theft that her employer had accused her of.
- (c) **Compensation** - The central government paid *compensation* to the victims' families after an unfortunate train accident that killed hundreds.
- (d) **Eviction** - The Company's claims to land occupied by slum-dwellers led to the poor people's *eviction* from their homes, which were bull-dozed by municipal authorities.
- (e) **Violation** - The judiciary takes stringent action against any *violation* of Fundamental Rights.

### Question 9:

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

Read this poster and list the duties of the government to uphold the Right to Food.

How does the phrase "Hungry stomachs, overflowing godown! We will not accept it!!" used in the poster relate to the photo essay on the Right to Food on page 61?

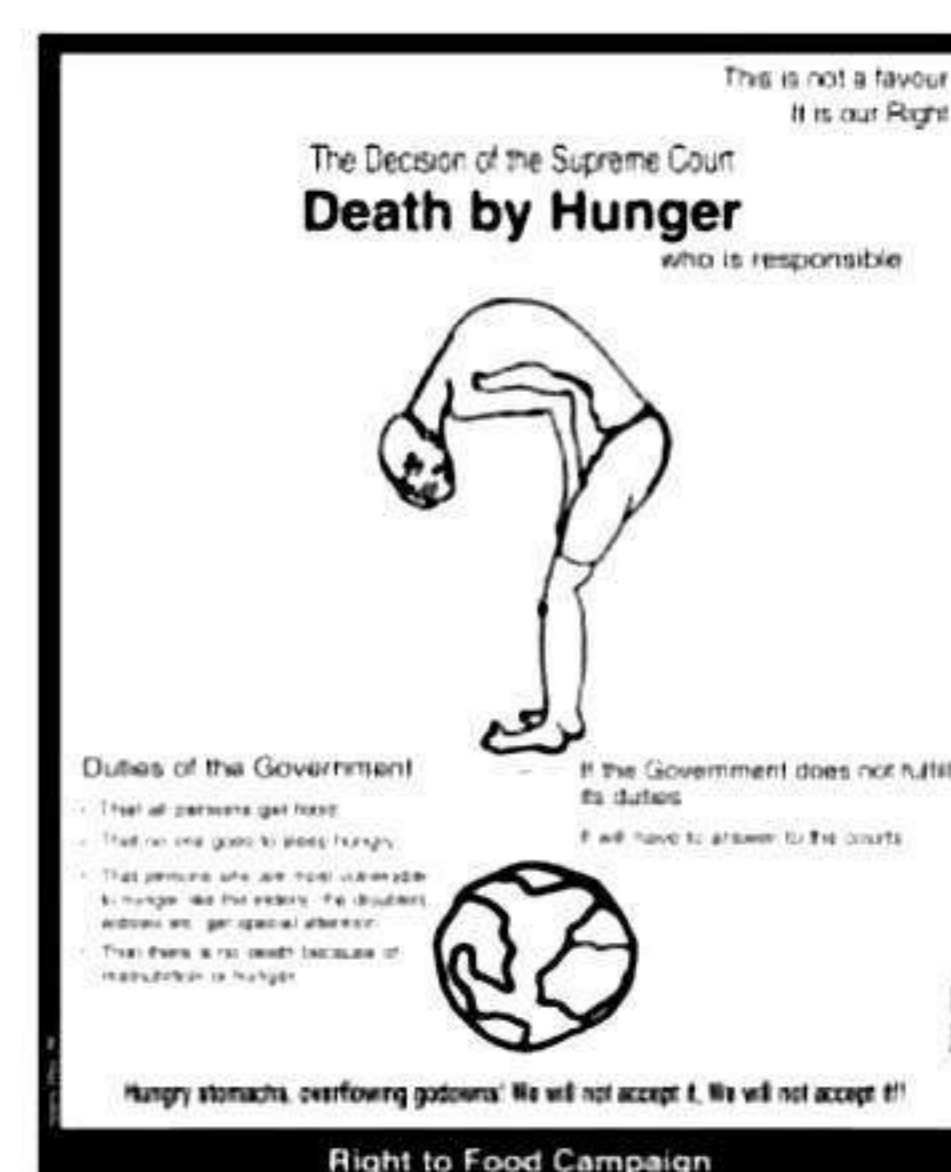
### Answer 9:

The constitution of India grants all Indian the Right to Live. Right to Live is some short associated with the Right to Food.

The duties of the government to uphold the Right to Food are as follows:

- To provide at least minimum food stuff to the citizens at nominal cost or free.
- To check unnecessary inflation in price of food items.
- To check the hoarding of grains of daily use like wheat, rice, sugar, etc.
- To provide meal to poor children in the school.

'Hungry stomachs, overflowing godowns' is **not at all** acceptable in a civilized society. If the hoarding of food is not discouraged, the people with hungry stomachs **will** attempt to commit crimes.



### ❖ Intext Question Pg-50

#### **Question 1:**

Do you think that any ordinary citizen stands a chance against a politician in this kind of judicial system? Why not?

#### **Answer:**

Yes, according to me any ordinary citizen has a chance to stand against a politician because according to our constitution there is equal justice to all citizens of the country whether it is any political leader or any ordinary citizen.

### ❖ Intext Question Pg-51

#### **Question 1:**

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

#### **Answer:**

Two reasons why independent judiciary is essential to democracy are as follows.

(a) First and most important point is that independent judiciary is a must for the sustenance of democracy. If there is continuous political influence over judiciary, democracy does not exist.

(b) Judiciary is one of the pillars of the government. So, it is necessary to make it independent so that it will equally give justice to all the citizens of the country

### ❖ Intext Question Pg-53

#### **Question 1:**

Write two sentences of what you understand about the appellate system from the given case.

#### **Answer:**

Two sentences are as follows:

- (a) Appeal system is a system where one can go to the senior court to ask for justice if he feels the then court has not made the right justice to his case.
- (b) It gives opportunity for the truth to be revealed and the culprit is punished just as in case of Sudha, her husband Laxman and her mother-in-law were punished.