

## Chapter – 05 Political Science

### Judiciary

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#### **Judiciary :**

- The Constitution of India secures justice to all its citizens apart from securing liberty, equality, and promoting fraternity. Indian democracy the Supreme Court plays important role of safeguarding the fundamental rights of citizens which includes providing fair justice also.
- Justice which is the soul of a democratic society must be administered without fear or favor. Integrity, Impartiality and Intelligence are some of the important characteristics of the independent judiciary in a democratic setup.
- Therefore, the judiciary plays a crucial role in the functioning of India's democracy.

#### **What is the Role of the Judiciary:**

**(i) Dispute Resolution-** The judicial system provides a mechanism of courts for resolving disputes between citizens, citizens and the government, two state governments and the central and state governments.

**(ii) Judicial Review-** The judiciary 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

**(iii) Upholding the law & enforcing Fundamental Rights** - Every citizen of India can approach the Supreme Court or the High Court if his/her Fundamental Rights have been violated.

#### **What is an Independent Judiciary:**

(i) Judiciary is the guardian of the constitution and defender of fundamental rights of the people. For performance of this role it is essential that the judiciary must be independent.

(ii) India has an independent 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.

(iii) It 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.

**What is the Structure of Courts in India:**

(i) There are three different levels of courts in our country. Several courts are at the lower level while only one at the apex level.

- **District level or subordinate court:** Most people interact at this level. Each district is presided by District Judge
- **State level court:** High Court is the highest court of the state.
- **Supreme Court:** The Supreme Court of India is the highest judicial authority. It is located in New Delhi and is presided over the Chief Justice of India. The decisions made by the Supreme Court are binding on all other courts in India.

(ii) In India, we have an integrated judicial system, meaning that the decision made by higher courts are binding on the lower Courts as all these different levels of courts are connected to each other.

**(iii) Appellate System:** This means that a person can appeal to a higher court if they believe that the judgement passed by the lower court is not just. This system exists in India. It is the another way that defines the integration of all the levels of courts.

**What are the Different branches of the Legal System:**

CIVIL LAW	CRIMINAL CASES
It deals with behavior that constitutes an injury to an individual or other private party, such as a corporation.	It deals with behavior that is or can be explained as an offense against the public, society, or the state—even if the immediate victim is an individual.
Examples : negligence resulting in injury or death, and property damage.	Examples: murder, assault, theft,and drunken driving

**Does Everyone Have Access to the Courts:**

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- (i) 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.
  - (ii) Legal procedures involve a lot of money and paper work which take up a lot of time. Poor people often avoid to go the court to get justice.
  - (iii) The Supreme Court devised a mechanism of **Public Interest Litigation or (PIL)** to increase access to justice in 1980's. It allowed any individual or organization to file a PIL in the High Court or the Supreme Court on behalf of those whose right were being violated.
  - (iv) The legal process was simplified and even a letter or telegram addressed to the Supreme Court or the High Court could be treated as a PIL.
  - (v) The court exercise a crucial role in interpreting the Fundamental Rights of Citizens.
  - (vi) The judiciary serves as a check on the powers of the executive and the legislature and protecting the Fundamental Rights of the citizens.