

CHAPTER – 5

Judiciary

❖ EXERCISES

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:

We know that Judiciary is most important organ of our democracy whose main function is to uphold the law and enforce Fundamental Rights. The judiciary of our country protects the Fundamental Rights from being eroded or abridged by any person, group of persons or the state itself.

For a country like India an independent judiciary is necessary because if the judiciary is under the influence of executive and members of legislative houses then it won't be able to give fair decisions which is against the democracy.

Question 2:

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

Answer:

List of various types of fundamental rights is as follows:



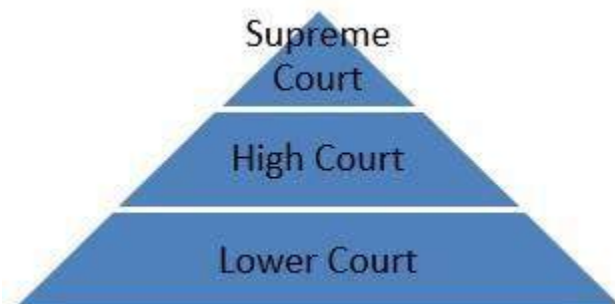
- (a) Right to equality.
- (b) Right to Freedom.
- (c) Right to freedom of religion.
- (d) Right against exploitation.
- (e) Cultural and Education Rights.
- (f) Right to Constitutional remedies

Right to Constitutional remedies is that fundamental right which allows every citizen to move to the court if they believe that any of the fundamental rights have been violated by the state.

Judiciary has the power to strike down a popular law of the Parliament if it believes that there is a violation of the basic structure of the constitution so in that way it connects to the idea of judicial review.

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:

Lower court: In this court Laxman, his mother Shakuntla and his brother-in-law Subhash Chandra were sentenced to death.

High Court: In the decision of high court all three were acquitted.

Supreme Court: Supreme court decided to give life imprisonment to Laxman and his mother while his brother-in-law Subhash Chandra was acquitted for lack of sufficient evidence.

Question 4:

Keeping the Sudha Goel case in mind, tick the sentence that are true and correct the ones that are false.

- (a) The accused took the case to 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 don't like the Supreme Court verdict, the accused can go back again to the Trial Court.

Answer:

(a) True

(b) False: This sentence is wrong as after the decision of Supreme Court one cannot go to High court as supreme court is supreme above all and its decision is full and final.

(c) False: This is also wrong because the Supreme Court is the apex court of the country and no appeal can be filed against the decision of the Supreme 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:

A simple letter or telegram addressed to a High Court or the Supreme Court is to be regarded as PIL.

Introduction of PIL in 1980s is a significant step as helps in ensuring access to justice to every individual of the country. Any individual or organization is allowed to file PIL in a High Court or the Supreme Court on behalf of those who are themselves unable to file a case even if their rights are violated.

Question 6:

Re-read the excerpts from the judgment on the *Olga Telis Vs Bombay Municipal Corporation case*. Now write in your own words what the judges meant when they said that the Right to Livelihood as part of the Right to Life.

Answer:

The judges in the *Olga Telis Vs Bombay Municipal Corporation* said that the Right to Livelihood was part of Right to life as no person can live without the means of living. The Right of Life conferred by Article 21 is wide and far reaching. Life means



something more than mere animal existence. This is how the judges connected Right to Livelihood to the Right to Life.

Question 7:

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

Answer:

Story on the theme, “Justice delayed is justice denied” is as follows:

Ram is a poor man who took a loan of Rs. 1,00,000 from a moneylender for the marriage of his daughter. When he was coming back, a thief snatched the bag of money from him. He screamed and luckily the people of the society helped him to take his bag from the thief.

After this the bag first went to the police custody and the case took a long time in the court due to which Ram could not get the money on time and the marriage of his daughter was cancelled due to which he was mentally harassed.

From this story it is true to say that “Justice delayed is justice denied.”

Question 8:

Make sentences with each of the glossary words given below:

- (a) Acquit
- (b) To appeal
- (c) Compensation



- (d) Eviction
- (e) Violation

Answer:

- (a) **Acquit:** She was acquitted on all counts.
- (b) **To appeal:** Police are appealing for information about the incident.
- (c) **Compensation:** He is seeking compensation for injuries suffered at work.
- (d) **Eviction:** Unlawful eviction and harassment is a criminal offence in the United Kingdom.
- (e) **Violation:** The aircraft were in violation of UN resolutions.

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 god owns! We will not accept it!” used in the poster relate to the photo essay on the Right to Food?

Answer:

Constitution of India grants the citizens the Right to live and this right to live is closely associated with the Right to Food. The main duties of the government to uphold the Right to Food are as following:

- (a) First and most important point is that they aim to provide at least minimum food item to the people either totally free or by charging very nominal cost.
- (b) Their second duty is to check the hoarding of wheat, rice, sugar.
- (c) They also aim to provide mid-day meals to the poor-children in the school.

‘Hungry stomachs, overflowing god owns’ is not at all acceptable in a civilized society. If people do not get food or if they are not able to completely fill their hungry stomach, then they attempt to commit crimes.

❖ Intext Question Pg-56

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-57

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-59



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.

