

Chp-5 The Role of Judiciary in Our Society

Answer Key

- A.** 1. (b) Article 124
2. (b) It ensures that the decisions of the Supreme Court are followed uniformly by all courts.
3. (c) Writ Jurisdiction 4. (b) Administrative Tribunal
- B.** 1. Original 2. High 3. National Company Law
1. Judicial Review
- C.** 1. True 2. False 3. False 4. True
- D.** 1. Tribunals and ordinary courts differ in the following ways based on their structure and jurisdiction:
(i) **Specialised Focus:** Unlike regular courts that handle a wide variety of civil and criminal cases, tribunals deal only with specific categories of disputes (such as administrative, tax, environmental, or corporate matters).
(ii) **Speedy Disposal:** Tribunals were created under Part XIV-A of the Constitution to ensure the quicker and more efficient resolution of specialised cases compared to ordinary courts.
2. The President of India is the constitutional authority responsible for appointing the judges of a High Courts of India.
3. Special Leave Petitions (SLPs) under Article 136 are regarded as an extraordinary constitutional remedy due to the following reasons:
(i) **Discretionary Power:** Filing an SLP cannot be claimed as a matter of right. Granting permission to appeal rests entirely on the discretion of the Supreme Court.
(ii) **Exceptional Circumstances:** It is exercised only in exceptional cases against a judgement, decree, determination, sentence or order of any court or tribunal in India to ensure that complete justice is served.
4. The Supreme Court of India gives its opinion to the President under its Advisory Jurisdiction (Article 143).

- E. 1.** The Judiciary plays a central role in India's democracy by upholding the Constitution and safeguarding individual rights through its constitutional powers:

Guardian of the Constitution:

- (i) **Judicial Review:** The Judiciary has the power to examine the constitutional validity of laws passed by the Legislature and actions taken by the Executive. If any law or executive action violates constitutional limits, the courts can declare it unconstitutional.
- (ii) **Interpretation of the Constitution:** The Supreme Court is the final interpreter of the Constitution. Under Article 141, the law declared by the Supreme Court is binding on all courts in India, maintaining a uniform legal framework across the country.

Protector of Citizens' Rights:

- (i) **Writ Jurisdiction:** Under Article 32 (Supreme Court) and Article 226 (High Courts), citizens can directly approach higher courts if their Fundamental Rights are violated. Courts issue writs like Habeas Corpus or Mandamus to protect citizens from unlawful actions.
 - (ii) **Public Interest Litigation (PIL):** Developed through a liberal interpretation of Article 21 (Right to Life and Personal Liberty), PILs allow public-spirited citizens to seek justice on behalf of disadvantaged individuals or for issues affecting the broader public interest.
- 2.** If a person is dissatisfied with a District Court judgement, the Indian integrated judicial system provides structured appellate mechanisms to seek relief:

Right to Appeal before the High Court:

- (i) Under appellate jurisdiction, the aggrieved party can file an appeal before the respective state High Court.
- (ii) The High Court reviews the proceedings, evidence and legal interpretations of the lower court and can uphold, modify or set aside the District Court's verdict.

Approaching the Supreme Court:

- (i) If dissatisfied with the High Court's judgment the person can appeal to the Supreme Court of India under Articles 132, 133, and 134A.
 - (ii) If standard appeal conditions are not met, the person can file a Special Leave Petition (SLP) under Article 136, asking the Supreme Court for special permission to hear the appeal.
- 3.** The fair administration of justice is ensured through a series of legal steps.
- (i) **Filing a case:** It begins the judicial process by submitting the necessary information, supporting documents and completing the required legal formalities before the appropriate court.
 - (ii) **Procedural justice:** It ensures fair proceedings by giving both sides an equal opportunity to present their arguments, examining evidence and hearing witnesses.
 - (iii) **Substantive justice:** It focuses on reaching a fair, just and reasonable final decision based on the facts of the case.
 - (iv) **Right to appeal:** Finally, the right to appeal allows a dissatisfied party to approach a higher court, which may uphold, modify or set aside the lower court's decision.

Together, these processes help ensure that justice is delivered fairly and impartially.

- 4.** Yes, the system of checks and balances is essential for good governance due to the following reasons:
- (i) **Prevent Misuse of Power:** Without checks and balances, any organ of government might pass arbitrary laws or execute policies that violate citizens' fundamental freedoms.
 - (ii) **Judicial Review on Legislature & Executive:** The Judiciary monitors the Legislature

and Executive by reviewing laws and executive orders, declaring them unconstitutional if they violate the Constitution.

- (iii) **Constitutional Regulation of the Judiciary:** At the same time, the Judiciary functions within constitutional limits. Judges are appointed by the President, and Parliament holds the constitutional power to remove a judge through the process of impeachment in cases of proved misbehaviour or incapacity.
- (iv) **Upholding the Rule of Law:** This mutual oversight ensures that all three organs coordinate harmoniously while keeping each other accountable, thereby preserving democracy and protecting citizens' rights.

THINK BEYOND (HOTS)

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- A.**
1. This emblem represents the Supreme Court of India.
 2. The motto '*Yato Dharmastato Jayah*' means 'Where there is Dharma (righteousness), there is victory'.
 3. The motto reflects the role of the Judiciary in a democratic country because it conveys that justice will ultimately prevail when it is grounded in righteousness, fairness and the rule of law, rather than in power or influence. This reflects the Judiciary's role as an impartial institution that upholds the Constitution, protects citizens' rights and ensures that every dispute is resolved on the basis of fairness and truth, thereby strengthening democracy.
- B.**
1. The National Judicial Data Grid (NJDG) helps monitor the pendency of cases, as it provides public access to case information and tracks the status of cases.
 2. Virtual hearings benefit citizens by saving their time and money, making justice more accessible, especially for people living far from courts. They benefit the judicial system by reducing overcrowding in courtrooms, speeding up proceedings and helping in the efficient administration of justice, particularly during situations where physical hearings may not be possible.
 3. The e-Courts Mission Mode Project is the government project mentioned in the case study to modernise the Indian judicial system.
- C.**
1. (d) (A) is false but (R) is true.
 2. (b) Both (A) and (R) are true but (R) is not the correct explanation of (A)
- D.** Every citizen should have a basic understanding of the Judiciary and the legal system because awareness of the law is essential for active and responsible citizenship in a democracy. Such knowledge helps individuals in the following ways:
- (i) **Protecting Fundamental Rights:** Understanding the legal system allows citizens to recognise when their rights are being violated. Knowing about legal remedies, such as filing a Writ Petition under Article 32 or Article 226, or utilising Public Interest Litigation (PIL), empowers individuals to seek immediate relief from the judiciary.
 - (ii) **Accessing Alternative Means of Justice:** Awareness of affordable mechanisms like Lok Adalats, Mediation, and Gram Nyayalayas enables citizens to resolve disputes quickly without going through lengthy and expensive court proceedings.
 - (iii) **Fulfilling Democratic Responsibilities:** Legal literacy helps citizens understand that laws exist to maintain social harmony, peace and order. When people understand the reasons behind laws, they are more likely to respect them, follow established legal procedures and prevent unlawful activities.
 - (iv) **Strengthening Democratic Governance:** As Martin Luther King Jr. noted, 'Injustice anywhere is a threat to justice everywhere'. Building a fair society is a shared responsibility between the Judiciary

and the people; educated citizens can hold public institutions accountable and ensure that the rule of law is upheld.

(Answer may vary)

- E.** Judicial Review acts as a crucial constitutional safeguard to prevent the Legislature and the Executive from abusing their authority or acting arbitrarily. The Judiciary exercises this power through the following mechanisms:
- (i) **Enforcing Constitutional Limits:** The Constitution sets clear boundaries for all organs of government. Judicial review empowers the courts to examine whether laws passed by the Legislature or rules enacted by the Executive stay within these constitutional limits.
 - (ii) **Protecting Fundamental Rights:** If the Legislature passes an unconstitutional law or the Executive takes an arbitrary action that infringes upon the Fundamental Rights of citizens, the Supreme Court or High Courts can step in and declare such laws or actions null and void.
 - (iii) **Maintaining the Rule of Law:** Judicial review ensures that no organ of government operates above the law. By checking executive orders and legislative statutes, the Judiciary ensures that every government action is fair, reasonable and non-arbitrary.
 - (iv) **Upholding the System of Checks and Balances:** Through this power, the Judiciary prevents the concentration of unchecked power in the hands of the executive or legislature, preserving the constitutional balance essential for a healthy democracy.

Very Short Answer Type Questions

Q.1 What is the judiciary?

Ans. The judiciary is the system of courts that administers justice.

Q.2 What are the three levels of courts in India?

Ans. Supreme Court, High Courts and subordinate courts.

Q.3 What is judicial review?

Ans. The power to examine the constitutionality of laws.

Q.4 What is PIL?

Ans. PIL stands for Public Interest Litigation.