

Judiciary

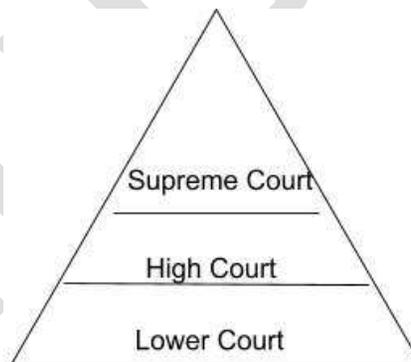
Q1. You read that one of the main functions of the judiciary is ‘upholding the law and Enforcing Fundamental Rights’. Why do you think an independent judiciary is necessary to carry out this important function?

Answer. An independent judiciary is required to 'uphold the law and carry out the task of Enforcing Fundamental Rights'. It intends to shield the judicial process from external influences and Provide full legal protection to all persons going to court for any reason. Anyone can approach the courts if they believe that their rights have been violated. If a law passed by Parliament violates someone's fundamental rights, the judiciary has the power to declare such law null and void.

Q2. 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. The right to constitutional remedy allows an Indian citizen to be transferred to court if he believes that any of his fundamental rights have been violated by the state. As the final interpreter of the Constitution, the judiciary has the power to review or even strike any particular law passed by Parliament or the Court if it believes that this law violates the basic structure of the Constitution. In the Constitution, every citizen has equal rights and no one can be discriminated against. If a violation occurs, the judiciary is free to review earlier decisions by the Supreme Court as well. In this way, we find that the right to constitutional remedies given in Fundamental Rights is directly linked to and supported by the idea of judicial review.

Q3. 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.

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

Q4. 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.

- a. True
- b. False. They went to the High Court after the Trial Court had given its decision.
- c. False. If they do not like the judgment of the Supreme Court, the accused cannot go back to the trial court again, as the Supreme Court is the highest court in the judiciary pyramid.

Q5. 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. In the early 1980s, the Supreme Court devised a mechanism of public interest litigation or public interest litigation to expand access to justice. It allowed any person or organization 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 can be considered a public interest litigation. In the early years, PIL was used to secure justice on a large number of issues such as freeing bonded laborers from inhumane working conditions and securing the release of prisoners. Even after completion of the sentencing period, Bihar was kept in jail. Thus, the introduction of PIL is an important step to ensure access to justice.

Q6. 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. In the case of Olga Tellis v. Bombay Municipal Corporation, the judges held that the right to livelihood was part of the right to life. He said that life does not merely mean the existence of an animal, it cannot be lived without means of living, that is, "means of livelihood". No one can exist without a livelihood. Through livelihoods the person earns money to buy food, clothing and shelter. Therefore, no one can be made devoid of his livelihood. The judges held that eviction from the footpath or slum is depriving people of livelihood for the poor who cannot live anywhere else. They take small jobs in the surrounding areas and lose their footpaths or slums, causing job loss resulting in loss of means of livelihood. As a result, leading to "deprived of life". In the same way, the judges linked the Right to Livelihood to the right to life.

Q7. Write a story around the theme, 'Justice delayed is justice denied'.

Answer. All students have to do this by themselves.

Q8. Make sentences with each of the glossary words given on the next page.

Acquit, to appeal, Compensation, Eviction, Violation.

Answer.

Acquit: The jury decided to acquit the defendant on grounds of lack of sufficient evidence to convict him of the crime.

To Appeal: The defendant decided to appeal to the High Court after his lawyer said the court's decision was not correct.

Compensation: In compensation for the trouble caused due to flight delay, the airlines awarded the victim fifty thousand rupees.

Eviction: The couple faced eviction because they failed to pay the monthly instalments to the bank.

Violation: The office staff protested the company for the violation of their rights.