

## **Ch-11: Indian Judiciary**

Question 1: Judiciary Is The Foundation Of Democracy Class 9 Question 1.

State the required qualifications for being appointed as the Judge of the Supreme Court.

Answer:

He should be a citizen of India. The retirement age of the Supreme Court Judge is 65 years.

He should have served as a High Court Judge in India for minimum 5 years.

He should have an experience of at least 10 years as an advocate in any of the Indian High Courts.

He should be a distinguished Judge or a well-known jurist in the opinion of the President of India.

Question 2: State the powers under the original jurisdiction of the Supreme Court.

Answer: Original jurisdiction:

The power held by the Supreme Court to hear a matter brought to it directly without proceedings in any other lower court is called the original jurisdiction of the Supreme Court.

Under this, the Supreme Court has the following authority:

To hear cases between the Government of India and one or more states.

To hear and resolve differences of opinions, fights or conflicts between the Government of India and one or more states on the one side and one or more other states.

To hear and provide judgment regarding disputes between different states.

To hear cases related to the Central Government and the matters related to the Constitution.

The Supreme Court also has the power to protect and preserve the fundamental rights of the citizens of India.

It is also empowered to issue writs (orders) like Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo-warranto.

Question 3: Describe matters that are out of the jurisdiction of the Supreme Court.

Answer: Matters related to distribution of river water between state-state, states-state or states-states do not come under the original jurisdiction of the Supreme Court.

Question 4. Explain the process of impeachment.

Answer: Impeachment:

The process of removing a Supreme Court Judge from his post in case he is found guilty incapable, inefficient or involved in some misconduct, is called impeachment of the Supreme Court Judge.

The process of impeachment is done according to the provisions given in the Constitution of India.

The process is done by the Parliament and it is called 'Impeachment Motion in Parliament'.  
Process:

The process of impeachment is conducted in the Parliament.

The House of the Parliament in which the case is charged initiates the process by taking the consent of the majority of the total members and 2\3rd members present and voting in each session.

The other House of the Parliament studies and inquires the charges.

The House of the Parliament monitors the presentations made through memorandums regarding the charges against the judge. The Houses also investigate the proofs for the same.

Based on the inquiry and the proofs the impeachment motion is put for vote.

If the impeachment motion is passed by the majority votes of the Parliament, the President removed the Judge from this post.

During the entire process, the Judge has the right to present his defence.

Question 5. Describe the powers of the High Court in the criminal cases.

Answer:

In case a Sessions Court has issued any judgment to punish the accused for more than 4 years, the petitioner can challenge the judgment in the High Court.

If the Session Court gives capital punishment to the accused in case of a murder and on the other hand the lower court had initially given a lesser punishment of the same case, then, the petitioner can challenge the judgment of Sessions Court in the High Court.

Question 6. State the required qualifications of the judge of the High Court.

Answer: A person to be appointed as a Judge of the High Court should have the following qualifications:

He should be a citizen of India with less than 62 years of age.

He should have served for a minimum period of 10 years in any of the judicial post in any of the lower court of the Indian states.

He should have worked as a High Court advocate for at least 10 years.

He should be a distinguished jurist, constitutional expert or famous lawmaker as per the opinion of the President.

Question 7. Name the various subordinate courts.

Answer:

The courts that are in the lowest level of the pyramidal structure of the Indian Judiciary are called subordinate courts.

These courts include District Courts, Taluka Courts, Fast Track Court, POTA Courts, Tribunals and certain special courts.

Each state is divided into an administrative unit known as 'District'.

Each district consists of Civil Court, Criminal Court and Revenue Court.

Question 8. Judiciary is the foundation of democracy.

Answer:

India is a democratic country and its people are considered sovereign. This means that in a democratic country its 'people' are above all and they should be given social, political and economic equality when they seek justice.

The Constitution of India is designed to protect the fundamental rights of the people.

Keeping this objective in mind, the Indian Constitution has kept judiciary independent, firm and fearless from the other two organs namely, the legislative and the executive,

With such massive power in its hand, the judiciary can take action and punish anyone who offends the legal system of the country and tries to snatch away democratic rights.

Thus, Indian judiciary in true sense respects the democracy and works as the foundation of democracy.

Question 9. The Supreme Court is the protector and guardian of the Constitution and Citizens.

Answer: As per the Indian Constitution, the Supreme Court is the topmost judicial organization. It is considered to be the protector-guardian of the Constitution and the fundamental rights of Indian citizens because the Supreme Court has a power to nullify any steps law taken by the executive if it violates the Constitution.

Question 10. The High Court occupies a key position.

Answer:

The High Court occupies a key position because it is the apex court at state level.

High Court hold one of the key positions in the continuous hierarchical pyramid of the Indian Judiciary.

The Constitution provides one High Court for every state.

The subordinate courts such as District Court, Taluka Court, etc. function under supervision of the High Court.

Hence, it can be said that the High Court occupies a key position.

Question 11. Lok Adalat have become a centre of attraction.

Answer:

Lok Adalat or People's Court is India's innovative contribution to the world for resolving cases quickly.

It is an effective way to provide speedy and economical justice to the poor, weak and exploited section of the society.

Lok Adalats hear a variety of cases related to accidents and their compensation, divorce, alimony, general debts, personal complaints, police complaints, etc.

Lok adalats consist of advocates, social workers, educationists, reputed citizens, businessmen, police officers, insurance officers, judges and judicial officers.

Here cases are settled amicably such that both the parties are satisfied. Lok Adalats save time and money.

Moreover, all the judgments of the Lok Adalats are backed by the law.

Owing to innumerable advantages of the Lok Adalats they have become a centre of attraction.

Question 12. The functioning of the Judiciary is a boon in case of negligence by the Legislature and the Executive.

Answer:

The functioning of the Judiciary is a boon in case of negligence by the Legislature and the Executive because sometimes, the legislature and the judiciary act in irresponsible manner.

Under such circumstances, an independent, firm, impartial and fearless judiciary ensure that the Legislature or the Executive do not violate any of the Constitutional limitations is a boon.

Question 13. The Supreme Court is considered as a Court of Records.

Answer:

The Supreme Court is also called the Court of Records.

It keeps records of all its decisions, proceedings and interpretation of the Supreme Court as the record in the Supreme Court.

These records are extremely important for future reference. When such a record is presented in any case, it cannot be challenged.

Any individual or court who does not respect such records and disapproves them, can be punished.

Question 14. The Judges of the Supreme Court cannot practice law in any of the courts after retirement.

Answer:

The judges of the Supreme Court cannot practice law in any court after retirement because by restricting the judges of Supreme Court from practicing law after they retire the government aims at protecting the independence of the Judiciary.

If such restriction is not imposed then after retirement the judges may appear as lawyers for the cases which were under them when they were judge.

The new judge on the chair may be old colleagues or juniors of these retired judge. Due to this the seating judges may favour the retired judge due to their influence other reasons.

As a result, the seating judge may become bias towards the case.

Hence, the judges of the Supreme court are not allowed to practice law in any of the courts after their retirement.

Question 15.Independence of the Judiciary:

Answer:

Judiciary is the third and one of the most important organs of the government.

The Indian Constitution has kept judiciary independent, firm and fearless from the other two organs namely, the legislative and the executive.

The objective behind keeping the judiciary independent is to protect the fundamental rights of the citizens, for social, political and economic equality and for providing justice.

The judges are appointed for a specific period of time and the executive cannot remove them as per their will or political pressure.

Thus, the Constitution of India gives the judiciary an independent, impartial and uniform place.

Question 16.Appellate jurisdiction of the High Court.

Answer:

Under the appellate jurisdiction of the High Court, the Court hears the petition made against the civil and the criminal cases.

A petitioner can challenge the judgement of the lower courts and tribunals in the High Court.

In case of Session Court has issued any judgement to punish the accused for more than four years the petitioner can challenge the judgement in the High Court.

If the Session Court gives a capital punishment to the accused in case of a murder and on the other hand the lower court had initially given a lesser punishment for the same case, then the petitioner can challenge the judgment of the tribunal and can also approach High Court.

The High Court has the power to pass judgments on important questions related to law including interpretation of Constitution.

Question 17. Court of Records.

Answer:

The Supreme Court is also called the Court of Records.

All the decisions, proceedings and interpretation of the Supreme Court are kept a record in the Supreme Court.

These records are the extremely important for future reference. When such a record presented in any case, then it cannot be challenged.

Any individual or court who does not respect such records and disapproves them, can be punished.

#### Question 18. Lok Adalats and Public Interest Litigations

Answer:

Lok Adalats: he concept of Lok Adalat was started in Gujarat.

It is an effective way to provide speedy and economical justice to the poor, weak and exploited section of the society.

Lok Adalats function voluntarily even on Sundays and holidays at the district and taluka headquarters as per the convenience of the petitioners.

Generally, the Lok Adalats hear cases related to accidents and their compensation, divorce alimony, general debts, personal complaints, police complaints, etc.

Lok Adalats consists of advocates, social workers, educationalists, reputed citizens, businessmen, police officers, insurance officers, judges and judicial officers.

The Lok Adalats try to solve the cases amicably in such a way that both the parties get satisfied.

The cases fought in the Lok Adalats are neither won nor loss.

Lok Adalats saves both time and money.

All the judgements of the Lok Adalats are backed by the law Public Interest Litigations (PIL)

It means a legal action initiated in a court of law for the enforcement of public interest or general interest in which the public or class of the community have pecuniary interest or some interest by which their legal right or liabilities are-afflicted.

A Public Interest Litigation can be filed in any High Court or directly in the Supreme Court.

PIL is a right given to the socially conscious member or a public-spirited NGO to espouse a public cause by seeking judicial for redressal of public injury.

Generally, this petition is filed by a public-spirited person or organization if it was felt that certain interests are undermined by the government. In such a situation, the court directly accepts the PIL.

Question 19. Subordinate Courts.

Answer:

The courts are at the lowest level of the pyramidal structure of the Indian Judiciary system.

These courts include District Courts, Taluka Courts, Fast Track Court, POTA Courts, Tribunals and certain special courts.

Each state is divided into an administrative unit known as 'District'.

Each district consists of Civil Court, Criminal Court and Revenue Court.

4. Choose the correct option:

Question 1. The retirement age for a Judge of Supreme Court and High Court is:

A. 65 and 58

B. 65 and 60

C. 60 and 65

D. 65 and 62

Answer:

D. 65 and 62

Question 2. How many years of experience as a lawyer is required to be appointed as a District Judge?

A. Three years

B. Seven years

C. Ten years

D. Five years

Answer:

B. Seven years

Question 3. In which state is the High Court of Mizoram and Nagaland situated?



A. Meghalaya

B. Arunachal

C. Assam

D. Nagaland

Answer:

C. Assam

Question 4. The headquarter of 'Legal Aid Service Centre' is situated at?

A. Wavodara

B. Rajkot

C. Ahmedabad

D. Gandhinagar

Answer:

C. Ahmedabad

Question 5. Who appoints the judges of the Supreme Court?

A. Prime Minister

B. President

C. Vice President

D. Law Minister

Answer:

B. President

Question 6. Which organization has been formed to settle the complaints of the consumers?

A. Free Judicial Counseling Centre

B. Civil Court

C. Consumer Forum

D. Small Cause Court

Answer:

C. Consumer Forum