



CLASS: \_VIII\_ DIV : \_\_\_\_\_

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SUBJECT: CIVICS

LESSON.4.JUDICIARY

**Que 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?**

Solution: The independent judiciary is necessary to carry out this function because of the following reasons:

The Independent judiciary does not work under any pressure from the legislature or the executive. It can protect the Fundamental Rights.

It works independently to give every citizen, whether rich or poor, equal rights and he/she cannot be discriminated against any other considerations.

In a situation where a politician or the executive has the power to appoint the judges, the judiciary will not be able to take independent decisions. For example, a judge appointed by a politician will not be able to judge a case against that person on its merit. Rich and powerful might try to influence the judiciary. To prevent such a situation Constitution provides for an independent Judiciary.

**Que.2. 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?**

Solution:

Judicial review of court decisions is carried out when the judgment given by a court violates any constitutional provision. In the Constitution, every citizen has equal rights and none can be discriminated against. If there is any violation, the judiciary is free to review the earlier judgments even by the Supreme Court.

**Que 3. In the following illustration, fill in each tier with the judgment given by the various courts in the Sudha Goel case. Check our responses with others in the class.**

Solution:

**Lower court:** The Lower Court convicted Sudha’s husband, his mother and his brother-in-law and sentenced all three of them to death.

**High Court:** The High Court passed the judgment stating that Sudha’s husband and the others were innocent and set them free.

**Supreme Court:** The Supreme Court passed a judgment stating that Sudha's husband and his mother were guilty and sentenced them to prison for life. The court freed the brother-in-law.

**Que 4. Keeping the Sudha Goel case in mind, tick the sentences that are true and correct the ones that are false.**

Solution:

- (a) True
- (b) False: They went to the Supreme court after the High court had given its decision
- (c) False: The verdict of the Supreme Court is final.

**Que 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?**

Solution:

Before the 1980s filing of litigation into the courts was very costly.

The poor could not afford to go to courts.

Since the 1980s, the people can file their case through a letter or a telegram addressed to the Supreme Court or the High Courts without spending any money. The Courts take it as PIL (Public Interest Litigation).

Thus, it is a significant step in ensuring access to justice to all the citizens.

**Que 6. 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.**

Solution:

Olga Tellis vs Bombay Municipal Corporation case portrays the plight of lakhs of persons who live on pavements and in slums in the city of Bombay. They constitute nearly half the population of the city. These men and women came to Court to ask for a judgment that they cannot be evicted from their shelters without being offered alternative accommodation. They rely for their rights on Article 21 of the Constitution which guarantees that no person shall be deprived of his life except according to the procedure established by law.

They do not contend that they have a right to live on the pavements. Their contention is that they have a right to live, a right which cannot be exercised without the means of livelihood. They have no option but to flock to big cities like Bombay, which provide the means of bare subsistence. They only choose a pavement or a slum which is nearest to their place of work. Their plea is that the right to life is misleading without a right to the protection of the means by which alone life can be lived.

