

# CLASS VIII CHAPTER 5 JUDICIARY (NCERT)

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## What is the Role of the Judiciary:

Courts take decisions on different matters, judiciary works are divided into the following-

### Dispute Resolution

Resolve disputes between (state-gov.) two Gov. etc.

### Judiciary Review

Judiciary can strike a law from parliament if it comes in violation.



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## Upholding the law Enforcing Fundamental Rights:

- Every citizen can approach to a court if his/her fundamental rights are getting violated ex hakim sheikh.



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What is an Independent Judiciary?

## Separation of Powers

- Court does not count in the behalf of the government(protects it)
- No organ can interfere in others work.
- Judges of supreme court and high court does not interfere and are difficult to remove (protects fundamental rights)

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## What is the Structure of Courts in India:

- Courts are at different level- higher and lower
- District court/tehsil for towns.
- Each state has a high court
- At the top(supreme court) located in new Delhi, this binds all the courts together.



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## Appellate System:

- person can appeal to higher court if he /she finds that the judgment is not just.
- All courts are connected to each other.



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## What are the Different Branches of the legal System?

- Courts works according to the cases and laws.

### Civil law

- Divorce ,rent,matter,land etc.

### Criminal law

- Murder,crime,police, trafficking,illegal.



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**Does everyone have access to courts?**

- In early time not everyone can access to court for justice.

**P.I.L**

- Poor people and those who cannot read can easily get justice from court b just sending a letter or telegram to supreme or high court. Ex- slum dwellers, midday meals.

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## EXERCISES

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### 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:

- As it ensures that there is no misuse of power by the legislature and executive.



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### Question 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?**

### Answer:

Right to Constitutional Remedies declares that citizens can go to court for justice if they believe that any of their Fundamental Rights have been violated by the State. Hence the independence of the judiciary is necessary to uphold the rights of the citizens.

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### Question 3.

**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:

- Access to courts has always been difficult for a vast majority of the poor in India. The poor who are illiterate and financially weak find it difficult going to court to get justice.

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### Question 4.

**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:

- 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. They rely on article 21 which guarantees that no person should be deprived of its rights.

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### Question 5.

- Keeping sudha goel case in mind, tick the sentences (true and 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 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.