

IMPORTANT QUESTION CLASS – 11 DC @H75 @ SCIENCE CHAPTER- 6 JUDICIARY

Question 1.

Write down the composition of the Supreme Court of India.

Answer .

- Supreme Court of India consists of a Chief Justice and 25 other judges.
- The judges of the Supreme Court are appointed by the President in the consultation with such judge to whom he feels appropriate for the same?
- In appointing other judges, the President will consult with the Chief Justice of India.
- A judge of Supreme Court holds office till the age of 65 years.

Question 2.

How can a judge of Supreme Court be removed from his office?

Answer:

A judge of the Supreme Court can be removed from his office before his term expires on the ground of incapacity or misbehavior if Parliament approves it by a majority of two-third members of the Parliament (Both the houses) present and voting. Finally, the President exercises the right to remove a judge if impeachment is proved.

Question 3.

What is the original jurisdiction of the Supreme Court?

Answer:

The Supreme Court enjoys the original jurisdiction in the following:

- A case where jurisdiction can be initiated at first instance.
- Between the union of India and any state or states and one or more states on the either side.
- Between the union and one or more states.
- Between two or more states.

Question 4.

What is the composition of a high court in a state?

Answer:

- The number of judges in the high court is not fixed. It is fixed by the President only.
- Every high court has a Chief Justice and other judges to be fixed by the President.
- On the appointment of Chief Justice, the President consults the Chief Justice of India and the Governor of the state concerned.
- While other members' appointment is consulted with the Governor of state and Chief Justice of high court.

Question 5.**Give some suggestions to ensure speedy and inexpensive justice in India.****Answer:**

- The instruments of judicial activism should be availed, i.e. Public Interest Litigation which has expanded the idea of rights and duties even to those, who cannot approach the courts easily.
- The pendency of cases should be expediated and decided at the earliest possible.
- Some new courts should be established as well as the fees of courts and advocates should be controlled upto minimum extent.
- Lok Adalats should be established more and these should be publicised also, so that maximum people could get justice in a speedy manner.

Question 6.**What is the jurisdiction of the high courts?****Answer:**

- The high courts are empowered to issue orders, directions and writs for the enforcement of fundamental rights and for any other purpose also.
- The high courts of Mumbai, Chennai and Kolkata exercises original jurisdiction as they had before the enforcement of the new constitution on the cases involving hearing of Christians Parsis.
- The above-mentioned high courts also exercise the original jurisdiction when the amount involved is more than ? 2,000 and in criminal cases, it extends to cases committed to them by presidency Magistrates.
- The jurisdiction of the high courts also extends to the matters of administration, matrimonial, contempt of court and cases transferred from a lower court.

Question 7.**What are Lok Adalats? Explain.****Answer:**

- Lok Adalats resolve disputes on the basis of discussion, counselling to provide speedy and Chief Justice alongwith the mutual and free consultation of the parties concerned.
- Lok Adalats reduce time and expenditure also.
- These were established to eliminate delay in imparting justice and to speed up clearance of pending cases earliest possible.
- In 1985, in Delhi, the first Lok Adalat was held and 150 cases were decided within a single day.

Question 8.**What is Public Interest Litigation? Explain.****Answer:**

- The Public Interest Litigation was initiated by some judges of the Supreme Court.
- PIL can register a complaint through an application or mentioned on postcard.

- PIL has been used to provide reliefs for undertrial prisoners in jails, acquisitions of cycle, rickshaws by licensed rickshaw pullers, prohibition of human trafficking, etc.
- Due importance is given to the weaker sections, bonded labour, women and children.
- The PIL acquired new dimensions under the leadership of former Chief Justice P.N. Bhagwati.

Question 9.

What is the importance of judiciary in a democratic country like India?

Answer:

Judiciary plays an important role in imparting justice to people due to complex nature of society. Hence, it performs the following functions:

- The judiciary acts as a custodian of the constitution by interpreting it in a proper manner as it can declare any law passed by legislature ultra vires and unconstitutional if it is against the spirit of constitution.
- The judiciary performs the legislative functions by way of giving judge made laws to fill up the gap between the legislature and society.
- The judiciary performs some administrative functions by keeping a check on the smooth functioning of each court.
- The judiciary advice's the head of the state on the validity of particular law so that it can not be declared unconstitutional after it is passed.
- It is the duty of the judiciary to see whether the people could enjoy their fundamental rights without any contradiction.
- The judiciary look after minors, issues licenses, grant probates, bails and administer oath of office, etc.

Question 10.

Mention those factors which ensure the independence of the judiciary in India.

Answer:

- Judges of Supreme Court and high court are appointed by the President of India on the consultation of Chief Justice and governor of the state in the case of high court. Hence, appointment of judges make it independent, free from any pressure of political parties.
- The judges of India are supposed to be highly qualified because a highly qualified person can judge the cases in an independent manner as well as they are expertise of law on the basis of experience of five or ten years as an advocate.
- The method to remove judges in India, is very difficult because no judge can be removed from the post before he attains the age of retirement.
- A judge enjoys a fixed tenure of his service till the age of retirement and avails more experience and delivers justice on honest and sincere basis.
- To make judges impartial they are provided with the handsome salaries so that they could not accept bribe or run after money.