



Vidya Bhawan balika Vidyapeeth. shakti utthan aashram Lakhisarai

Class-8th

(Based on N C E R T pattern)

Date:- 15.10.XX.

civics

Judiciary in India

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 An independent judiciary is necessary to carry out the function of 'upholding the law and enforcing Fundamental Rights'. It intends to shield the judicial process from external influences and provide full legal protection to all individuals going to court for whatever reason.

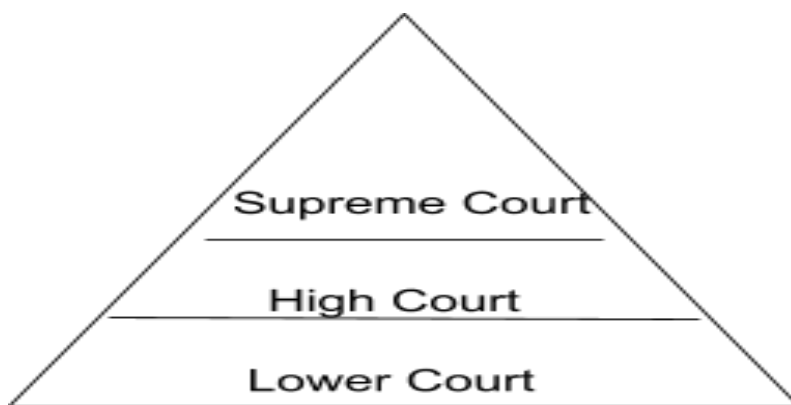
Anyone can approach the courts if they believe that their rights have been violated. If any law passed by the Parliament violates anyone's Fundamental Rights, the judiciary has power to declare such a law as null and void.

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 The Right to Constitutional Remedies connects to the idea of judicial review in its capacity of protecting the rights of an individual against the working of the State legislature or executive.

It allows citizens to move the court if they think that their fundamental rights are being violated by the State administration. Judicial review implies invalidation of legislative or executive action if it is seen to violate fundamental rights. Hence, judicial review and the Right to Constitutional Remedies are inter-connected because the judicial review is practiced when any fundamental Right is violated by the State. In this case, a higher court can repeal the judgments of a lower court based on its own investigation.

3. 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

Lower Court (Trial Court): Laxman, his mother Shakuntala and his brother-in-law Subhash Chandra were sentenced to death.

High Court: Laxman, Shakuntala and Subhash Chandra were acquitted.

Supreme Court: Laxman and Shakuntala were given life imprisonment, while Subhash Chandra was acquitted for lack of sufficient evidence.

Mr Anant kumar