

8th Standard- Social Science

Civics-Judiciary

In India, to enforce the rule of law, we have a judicial system, which is an organ of the state.

The judicial system plays an important role in the functioning of Indian democracy.

The important functions of the judicial system, i.e. the judiciary are: Dispute Resolution, Judicial review, Upholding the Law and Enforcing the Fundamental Rights.

In India, there are three different levels of court, i.e. District Court, High Court, and the Supreme Court.

The law declared by the Supreme Court is binding on all courts as it is the highest level court in the country.

Supreme Court is headed by the Chief Justice and 25 other Judges. They are appointed by the President of India.

In India, there are two branches of the legal system, i.e. Civil Law and the Criminal law.

Civil Law deals with any harm or injury to the rights of an individual.

Criminal Law deals with conducts or acts that the laws define an offense.

Supreme court has devised a mechanism called PIL, i.e. Public Interest Litigation so that a poor person can easily get access to justice.

The rule of law is enforced through a judicial system which consists of the mechanism of courts. Whenever a law is violated one can approach these courts.

The judiciary is an organ of the State. It plays a major role in a democratic country. It performs several functions:

- – The judiciary not only applies the law of the country, it also settles disputes and punishes the guilty. These disputes may take place between citizens, between citizens and the government, between two state governments and between the centre and state government.
- The judiciary has the power to modify or cancel laws if it finds that they violate the basic structure of the constitution. This is known as judicial review.
- In case our Fundamental Rights are violated, we can approach the Supreme Court or the High Court. In this sense, the courts play a very significant role in protecting our Fundamental Rights.

We have an independent judiciary. It means that the courts are not under the government and do not act on their behalf.

The Courts play a central role in ensuring that there is no misuse of power by the legislature and executive.

There are three different levels of courts in our country. At the district level, we have subordinate district courts. At the State level, we have several High Courts. The High Court is the highest judicial authority in a state. At the top is the Supreme Court. The Supreme Court of India is the highest judicial authority in our country. It is located in New Delhi and is presided over by the Chief Justice of India. The decisions made by the Supreme Court are binding on all other courts in India.

We have an integrated judicial system. It means that the decisions made by the higher courts are binding on the lower courts.

Different levels of courts are connected to each other through the appellate system which means that a person can appeal to a higher court if they are not satisfied with the judgement passed by the lower court.

Court cases are broadly divided into two categories:

- Civil cases deal with matters like money, property, inheritance, marriage disputes, etc.
- Criminal cases deal with cases of theft, cheating, robbery, physical injury and murder.

In Civil cases, a petition has to be filed before the relevant court by the affected party only. The court gives the specific relief asked for.

Criminal cases usually begin with the lodging of an FIR with the police who investigate the crime after which a case is filed in the court. If found guilty, the accused can be sent to jail.

In principle, all citizens of India can approach the courts in the country and seek

justice. But in reality, courts are not easily accessible. For a vast majority of the poor in India, it is very difficult to approach the courts. Legal procedures involve a lot of money and paperwork takes up a lot of time. Therefore, poor people often avoid to go to the courts to get justice.

The Supreme Court, therefore, devised a mechanism of Public Interest Litigation or PIL in the early 1980s in order to increase access to justice. It allowed any individual or organisation to file a PIL in the High Court or the Supreme Court on behalf of those whose rights were being violated. The legal process was greatly simplified and even a letter or telegram addressed to the Supreme Court or the High Court could be treated as a PIL.

Judicial System: It is a mechanism of courts that a citizen can approach when a law is violated.

Judicial review: The judiciary has the power to modify or cancel particular laws passed by the Parliament if it finds that they do not adhere to the Constitution. This is known as judicial review.

Violation: It means breaking a law or encroaching someone's Fundamental Rights.

Separation of power: It means that the powers of the state and the powers of the judiciary are separate.

Independent judiciary: It means that the judiciary is not under the government and does not act on its behalf.

To appeal: To file a petition before a higher court.

Acquit: The court declaring that a person is not guilty of the crime which he/she was tried for by the court.

Civil law: It deals with matters like money, property, marriage disputes, etc. ‘

Criminal law: It deals with cases of theft, robbery, cheating, murder, etc.

PIL: It stands for Public Interest Litigation. It has been devised to facilitate justice.

