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Role of the Judiciary

A glance at the newspaper provides a glimpse of the range of work done by the courts in India. The judiciary enforces the rule of law, which means laws apply equally to all persons and fixed procedures are followed when laws are violated. The judiciary acts as an organ of government and plays a crucial role in India's democracy because it is independent.

Functions of the Judiciary

- **Dispute Resolution:** Courts resolve disputes between citizens, between citizens and the government, between states, and between the centre and states.
- **Judicial Review:** The judiciary can strike down laws passed by Parliament if they violate the basic structure of the Constitution.
- **Upholding the Law and Enforcing Fundamental Rights:** Citizens can approach the Supreme Court or High Courts if their Fundamental Rights are violated.

Type of Dispute	Example
Dispute between centre and the state	Disagreement over law or policy implementation
Dispute between two states	Conflict over sharing river waters
Dispute between two citizens	Property or contract disputes
Laws that violate the Constitution	Law struck down by judiciary for violating constitutional principles

Exam Question

Q: What are the main functions of the judiciary in India?

A: The judiciary resolves disputes, performs judicial review to ensure laws comply with the Constitution, and upholds the law by protecting Fundamental Rights.

Independent Judiciary

An independent judiciary means that judges can make decisions free from influence by politicians or other branches of government. This independence is protected by the Constitution through the separation of powers, ensuring the judiciary is not controlled by the legislature or executive.

This independence allows courts to check misuse of power and protect citizens' Fundamental Rights.

Exam Question

Q: Why is an independent judiciary essential in a democracy?

A: It ensures fair and impartial justice, protects citizens' rights, and prevents misuse of power by other branches of government.

Structure of Courts in India

India has a three-tier judicial system:

- **Subordinate or District Courts:** Located at district or tehsil level, presided over by District Judges.
- **High Courts:** Highest courts in each state or group of states, with 25 High Courts currently.
- **Supreme Court:** The apex court located in New Delhi, headed by the Chief Justice of India. Its decisions are binding on all other courts.

The courts form an integrated system where higher courts' decisions bind lower courts. The appellate system allows appeals from lower courts to higher courts.

Exam Question

Q: Describe the three levels of courts in India.

A: The subordinate courts handle local cases, High Courts are the highest courts in states, and the Supreme Court is the apex court for the entire country.

Appellate System

The appellate system allows a person to appeal to a higher court if dissatisfied with a lower court's judgment. For example, in the case of State (Delhi Administration) vs Laxman Kumar and Others (1985), the Trial Court sentenced the accused to death, the High Court acquitted them, and the Supreme Court later convicted some of them with life imprisonment.

Exam Question

Q: What is the appellate system in the Indian judiciary?

A: It is the system where higher courts review and decide on appeals against judgments of lower courts.

Branches of the Legal System

The legal system in India has two main branches:

- **Criminal Law:** Deals with crimes against society, such as theft, harassment, and murder. Cases start with an FIR and can lead to jail or fines.
- **Civil Law:** Deals with disputes between individuals or groups, such as property or family matters. Cases are filed by affected parties and resolved through orders or compensation.

Description of Violation	Branch of Law	Procedure to be Followed
Girls harassed by boys on the way to school	Criminal Law	File FIR with police and pursue criminal case
Tenant forced to move out by landlord	Civil Law	File civil suit in court for tenancy rights

Exam Question

Q: What is the difference between criminal and civil law?

A: Criminal law deals with offenses against society and involves punishment, while civil law deals with disputes between individuals and involves compensation or orders.

Access to Courts

All citizens have the right to access courts for justice. However, poor people often face difficulties due to costs, paperwork, and time. To improve access, the Supreme Court

introduced Public Interest Litigation (PIL), allowing individuals or organizations to file cases on behalf of those whose rights are violated.

For example, a PIL led to the Supreme Court ordering the government to provide mid-day meals in schools, recognizing the Right to Food as part of the Right to Life under Article 21 of the Constitution.

Despite this, challenges remain such as delays in justice due to shortage of judges and complex procedures.

Exam Question

Q: How does Public Interest Litigation help improve access to justice?

A: PIL allows any person or organization to file a case on behalf of those unable to approach courts, simplifying legal procedures and increasing access to justice.

Shortage of Judges and Delivery of Justice

There is a significant shortage of judges in India, especially in High Courts and District Courts. This leads to delays in hearing cases, which affects timely delivery of justice. The phrase "justice delayed is justice denied" highlights this problem.

Name of the Court	Sanctioned Strength	Working Strength	Vacancies
Supreme Court	34	34	0
High Courts	1,079	655	424
District and Subordinate Courts	22,644	17,509	5,135

Exam Question

Q: What impact does the shortage of judges have on the justice system?

A: It causes delays in case hearings, leading to slow delivery of justice and increased backlog of cases.

Solved Examples

Example 1: A tenant is forced to vacate a rented house unfairly. Which branch of law should the tenant approach and what is the procedure?

Answer: The tenant should approach civil law courts by filing a civil suit to protect tenancy rights.

Example 2: A person is accused of theft and arrested. What is the first legal step in criminal law?

Answer: An FIR (First Information Report) is lodged with the police to start investigation and prosecution.

Practice Set

Easy

- What is judicial review?
- Define an independent judiciary.

Moderate

- Explain the structure of courts in India.
- Differentiate between criminal and civil law with examples.

Challenging

- Discuss the importance of Public Interest Litigation in improving access to justice.
- Analyze the impact of shortage of judges on the Indian judicial system.

Answer Key

- **Judicial review:** Power of judiciary to strike down laws violating the Constitution.
- **Independent judiciary:** Judiciary free from influence of other government branches.
- **Structure of courts:** Subordinate courts, High Courts, Supreme Court.
- **Criminal vs Civil law:** Criminal law deals with crimes and punishment; civil law deals with disputes and compensation.
- **PIL importance:** Enables marginalized groups to access justice through simplified procedures.
- **Judge shortage impact:** Causes delays and backlog, denying timely justice.

Quick Reference

- **Rule of Law:** Laws apply equally to all.
- **Judicial Review:** Courts can invalidate unconstitutional laws.
- **Public Interest Litigation:** Legal action for public good.
- **Separation of Powers:** Judiciary independent from legislature and executive.
- **Appellate System:** Higher courts review lower courts' decisions.

Glossary

- **Acquit:** To declare not guilty of a crime.
- **Appeal:** Request to a higher court to review a lower court's decision.
- **Compensation:** Money awarded to make amends for loss or injury.
- **Eviction:** Removal of persons from land or homes.
- **Violation:** Breaking a law or infringement of rights.