SOCIAL SCIENCE

CHAPTER 4: JUSTICE AND THE INDIAN JUDICIARY

H. LONG ANSWER TYPE QUESTIONS

Q1. Explain the concept of justice and discuss why it is essential for maintaining peace and equality in society.

Answer: Justice means treating every person fairly and ensuring equal protection under the law. It safeguards the rights of individuals and helps maintain peace in society.

Justice is essential because:
1. It protects the rights and dignity of every individual.
2. It ensures equality and prevents discrimination on the basis of religion, caste, gender, language or economic status.
3. It resolves disputes and maintains peace in society.
4. It promotes fairness and equal opportunities for every citizen.
5. It strengthens public confidence in democracy and the rule of law.
Thus, justice helps maintain peace, equality and harmony in society.

Q2. Describe the structure of the Indian judicial system. Explain the functions of the Supreme Court, High Courts and Subordinate Courts.

Answer: The Indian judicial system has a single integrated structure with three main levels:

1. **Supreme Court:**
- It is the highest judicial authority in India.
- It is the final interpreter and guardian of the Constitution.
- It hears appeals and settles disputes between the Centre and States.
- It protects Fundamental Rights by issuing writs.
2. **High Courts:**
- They function at the State or Union Territory level.
- They hear appeals against subordinate courts.
- They issue writs for the protection of Fundamental Rights.
- They supervise subordinate courts and tribunals.
3. **Subordinate Courts:**
- They provide justice at the district and local levels.
- They deal with civil and criminal cases.
- District and Sessions Courts, Civil Courts, Criminal Courts and Revenue Courts are examples.
Together, these courts ensure the proper administration of justice throughout India.

Q3. Discuss the composition, powers and jurisdiction of the Supreme Court of India.

Answer: The Supreme Court of India is the highest judicial authority in the country. It was established on 26 January 1950, when the Constitution of India came into force.

Composition:
- It is headed by the Chief Justice of India (CJI).
- Other judges are appointed by the President of India.
Powers and Functions:
1. It is the final interpreter and guardian of the Constitution.
2. It hears appeals against decisions of High Courts.
3. It settles disputes between the Central Government and States.
4. It issues writs for the enforcement of Fundamental Rights.
5. Its decisions are binding on all courts in India.
Jurisdiction:
- It deals with constitutional matters and important legal disputes.
- It hears appeals from High Courts.
- It protects the Fundamental Rights of citizens.

Q4. Explain the role and functions of the High Courts and describe how they supervise the subordinate judiciary.

Answer: The High Court is the highest court in a State or a group of States and Union Territories. It functions below the Supreme Court.

Functions of High Courts:
1. They hear appeals against decisions of subordinate courts in civil and criminal cases.
2. They issue writs for the protection of Fundamental Rights under Article 226 of the Constitution.
3. They supervise the functioning of subordinate courts and tribunals.
4. They ensure that justice is delivered fairly according to law.

Supervision of Subordinate Judiciary:

High Courts review the decisions of lower courts and supervise their functioning. They ensure that laws are properly followed and justice is delivered fairly and according to law.

Q5. What are tribunals? Explain the purpose of establishing specialised tribunals with suitable examples.

Answer: Tribunals are specialised bodies established to provide quicker and more efficient justice in specific areas. They help reduce the workload of regular courts.

Purpose of Tribunals:
1. They deal with specialised disputes.
2. They provide quicker and more efficient justice.
3. They reduce the burden on regular courts.
4. They have experts in specific areas to handle technical matters.

Examples:
- **National Green Tribunal (NGT):** Deals with environmental protection, forests and natural resources.
- **National Company Law Tribunal (NCLT):** Deals with corporate and insolvency matters.
- **Central Administrative Tribunal (CAT):** Settles service-related disputes of government employees.
- **Armed Forces Tribunal (AFT):** Deals with disputes related to defence services.

Thus, tribunals help provide speedy justice in specialised matters.

Q6. Describe the various digital initiatives introduced to make the Indian judicial system more transparent, accessible and efficient.

Answer: Technology has brought significant changes to the Indian judicial system. It has made justice more accessible, transparent and efficient.

The major digital initiatives are:
1. **e-Filing of Cases:** It allows cases to be filed online.
2. **Hybrid Hearings:** These allow court hearings both online and offline.
3. **Live Streaming:** It provides online viewing of important court proceedings.
4. **Translation of Judgments:** It makes judgments available in Indian languages.
5. **National Judicial Data Grid (NJDG):** It provides information about pending and disposed cases.
6. **Virtual Justice Clock:** It displays real-time judicial data and promotes transparency.

These initiatives improve access to information, increase transparency and support faster delivery of justice.

Q7. Explain the different methods of Alternative Dispute Resolution (ADR). How do these methods reduce the burden on regular courts?

Answer: Alternative Dispute Resolution (ADR) refers to methods used to settle disputes outside regular courts. These methods are less expensive, faster and more accessible.

The main methods of ADR are:
1. **Arbitration:** An independent arbitrator hears both sides and gives a decision that is legally binding.
2. **Mediation:** A neutral mediator helps the parties reach an agreement without imposing a decision.
3. **Negotiation:** Both parties discuss the dispute and try to reach a mutually acceptable solution.
4. **Lok Adalats:** These provide simple, affordable and speedy justice by encouraging amicable settlement of disputes.

How ADR reduces the burden on courts:
- It resolves disputes without lengthy legal proceedings.
- It saves time and money.
- It reduces the number of cases in regular courts.
- It promotes cooperation and peaceful settlements.

Thus, ADR helps provide speedy and affordable justice.

Q8. Discuss the importance of Public Interest Litigation (PIL) in protecting the rights of citizens.

Answer: Public Interest Litigation (PIL) enables citizens to approach courts to protect public interest and Fundamental Rights.

Its importance is:
1. It helps protect the Fundamental Rights of citizens.
2. It allows people to raise issues affecting the public.
3. It provides access to justice for people who may not be able to approach courts themselves.
4. It helps protect public welfare and promotes accountability.
5. It strengthens democracy and the rule of law.

Thus, PIL plays an important role in protecting citizens' rights and ensuring justice in society.

Q9. Explain how the judiciary protects the Fundamental Rights of citizens and upholds the Constitution of India.

Answer: The judiciary plays an important role in protecting the Fundamental Rights of citizens and upholding the Constitution of India.
1. The Supreme Court and High Courts issue writs to protect the Fundamental Rights of citizens.
2. The judiciary ensures that everyone is treated equally before the law.
3. It protects citizens from the misuse of power by the government.
4. It acts as the guardian and interpreter of the Constitution.
5. It can declare laws unconstitutional if they violate the Constitution.

Thus, the judiciary protects citizens' rights and maintains the supremacy of the Constitution.

Q10. "An independent judiciary is the backbone of democracy." Justify this statement with suitable examples from the Indian judicial system.

Answer: An independent judiciary is essential for the proper functioning of democracy. It works without pressure or interference from the government or other powerful authorities.
1. It ensures that everyone is equal before the law.
2. It protects the Fundamental Rights of citizens.
3. It prevents the misuse of power by the government.
4. It settles disputes fairly and peacefully.
5. It upholds the Constitution and maintains the rule of law.

Examples:
- The Supreme Court issues writs to protect the Fundamental Rights of citizens.
- Through Public Interest Litigation (PIL), citizens can approach courts to protect public interest.
- The Supreme Court can declare laws unconstitutional if they violate the Constitution.

Thus, an independent judiciary protects democracy, equality and the rights of citizens.