

CBSE Notes Class 8 Social Science Civics

Chapter 5 - Judiciary

Laws apply equally to all people. A certain set of fixed procedures need to be followed when a law is violated. To enforce this rule of law, we have a judicial system that consists of the mechanism of courts that a citizen can approach when a law is violated. As an organ of government, the judiciary plays a crucial role in the functioning of India's democracy. It can play this role only because it is independent.

CBSE Notes Class 8 Social Science Civics Chapter 5 - Judiciary help you in finding the answers related to judiciary such as what does an "independent judiciary" mean? is there any connection between the court and the Supreme Court? So, go through CBSE Notes and explore this topic in depth.

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What is the Role of the Judiciary?

Work of the judiciary can be divided into the following:

Dispute Resolution: The judicial system provides a mechanism for resolving disputes between citizens, between citizens and the government, between two state governments and between the centre and state governments.

Judicial Review: Judiciary has the power to strike down particular laws passed by the Parliament, if it believes that these are a violation of the basic structure of the Constitution. This is called judicial review.

Upholding the Law and Enforcing Fundamental Rights: Every citizen of India can approach the Supreme Court or the High Court if they believe that their Fundamental Rights have been violated.

What is an Independent Judiciary?

The Independence of Judiciary means:

1. Other branches of government – the legislature and the executive – cannot interfere in the work of the judiciary. The courts are not under the government and do not act on their behalf.
2. Independence of the judiciary allows the courts to play a central role in ensuring that there is no misuse of power by the legislature and the executive.

3. Independence of the judiciary also plays a crucial role in protecting the Fundamental Rights of citizens.

What is the Structure of Courts in India?

There are three different levels of courts in India.

1. **District Court:** The courts that most people interact with are called subordinate or district courts or Tehsil level court.
2. **High Court:** Each state has a High Court which is the highest court of that state.
3. **Supreme Court** is at the top-level. The decisions made by the Supreme Court are binding on all other courts in India. It is located in New Delhi.

In India, we have an integrated judicial system, which means that the decisions made by higher courts are binding on the lower courts. The **appellate system** exists in India which means that a person can appeal to a higher court if they believe that the judgment passed by the lower court is not just.

What are the Different Branches of the Legal System?

Go through the following table to understand the significant differences between criminal and civil law.

Criminal Law	Civil Law
Deals with conduct or acts that the law defines as offences. Eg: Theft, harassing a woman, dowry, murder	Deals with any harm or injury to the rights of individuals. Eg: Disputes relating to sale of land, purchase of goods, rent matters, divorce cases.
It usually begins with the lodging of a First Information Report (FIR) with the police who investigate the crime after which a case is filed in the court.	A petition has to be filed before the relevant court by the affected party only.
If found guilty, the accused can be sent to jail and also fined.	The court gives the specific relief asked for.

Does Everyone Have Access to the Courts?

All citizens of India can access the courts in this country. This means that every citizen has a right to justice through the courts. The courts are available for all but in reality, access to courts has always been difficult for a vast majority of the poor in India. Legal procedures involve a lot of money and paperwork as well as take up a great deal of time. In response to this, the Supreme Court in the early

1980s devised a mechanism of Public Interest Litigation or PIL 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 phrase 'justice delayed is justice denied' is often used to characterise extended time period that courts take. However, inspite of this there is no denying that the judiciary has played a crucial role in democratic India, serving as a check on the powers of the executive and the legislature as well as in protecting the Fundamental Rights of citizens.

