

Judiciary (4)

Class 8th

Sub Civics

Question 1: Write in your own words what you understand by the term the 'rule of law'. In your response include a fictitious or real example of a violation of the rule of law.

Answer: The rule of the law means that all laws apply equally to all citizens of the country, and nobody is above the law. Every citizen is equal before the law; irrespective of religion, caste, gender, economic status or political power. Even the President of India has to obey the rule of law.

Question 2: State two reasons why historians refute the claim that the British introduced the rule of law in India.

Answer: Historians refute the claim that the British introduced the rule of law in India. Two prominent reasons for this are as follows:

- The British laws were arbitrary in nature.
- The Indian nationalists played a prominent role in development of the legal sphere in British India.

Question 3: Re-read the storyboard on how a new law on domestic violence got passed. Describe in your own words the different ways in which women's groups worked to make this happen.

Answer: Cases of domestic violence were often reported to women's organizations. Some of the organizations started to raise the need for a new law on domestic violence. In 1999, Lawyers Collective, a group of lawyers, law students and activists took the initiative of drafting the Domestic Violence (Prevention and Protection) Bill; after nation-wide consultations. The draft was widely circulated among influential people. The bill was introduced in Parliament in 2002. But the bill did not contain many of the suggestions from women's organizations. After that, many organizations for women made submissions to the Parliamentary Standing Committee; so that a new law could be passed. The Standing Committee submitted its recommendations to the Rajya Sabha; in 2002. The recommendations were

Judiciary (4)

Class 8th

Sub Civics

also tabled in the Lok Sabha. Finally, the new bill was introduced in the Parliament in 2005. After the assent from the President, the Protection of Women from Domestic Violence Act came into effect in 2006.

Question 4: Write in your own words what you understand by the following sentence, “They also began fighting for greater equality and wanted to change the idea of law from a set of rules that they were forced to obey, to law as including ideas of justice.

Answer: Many laws during the British rule were arbitrary in nature. They were made with a view to keep the Indians under British control rather than ensuring justice for the people of India. The Indian nationalists started to protest and criticize the arbitrary use of authority by the British. The Indian nationalists did not want to be forced to obey some draconian laws. They wanted a set of laws which could ensure justice for all.

Question 5: 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: Judiciary is independent in our country. The judges’ appointment takes place with minimum interference from the legislature or executive. It is very difficult to remove a judge from office. This allows the judge to exercise judiciary powers without fear or favour. Thus, an independent judiciary is necessary to upholding the law and enforcing Fundamental Rights. Anybody can approach the Supreme Court or High Court in case of violation of his/her Fundamental Rights.

Question 6: 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?

Judiciary (4)

Class 8th

Sub Civics

Answer: *Right to Constitutional Remedies* gives the right to a citizen to approach the court if the citizen thinks that that State has violated his/her fundamental rights. If the government passes a law that is not in line with the basic tenets of the Constitution then the judiciary has the right to strike down that law. This helps in ensuring that the State cannot make a law arbitrarily. Thus, the *Right to Constitutional Remedies* connects to the idea of judicial review.

Question 7: *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.*

a. *Supreme Court*

Answer: *The Supreme Court found Laxman and his mother guilty and punished them with life imprisonment. Laxman's brother-in-law was acquitted because of lack of evidence.*

b. *High Court*

Answer: *The High Court acquitted all the accused.*

c. *Lower Court*

Answer: *The Lower Court found all the accused to be guilty and punished them with death sentence.*

Question 8: *Keeping the Sudha Goel case in mind, tick the sentences that are true and correct the ones that are false.*

a. *The accused took the case to the High Court because they were unhappy with the decision of the Trial Court.*

Answer: *True*

b. *They went to the High Court after the Supreme Court had given the decision.*

Judiciary (4)

Class 8th

Sub Civics

Answer: False; because once the Supreme Court gives its decision one cannot go to a lower court.

c. *If they do not like the Supreme Court verdict, the accused can go back again to the Trial Court.*

Answer: False; if someone does not like the Supreme Court verdict then he can only go to the President of India with a mercy petition.

Question 9: Why do you think the introduction of Public Interest Litigation (PIL) in the 1980s is a significant step in ensuring access to justice for all?

Answer: In theory, anybody can approach the judiciary for seeking justice. But in practice, majority of people are unable to go to the courts because court cases involve lot of monetary burden and paperwork. It takes many years for a case to be resolved by the court. A PIL can be filed by anybody or any organization on behalf of affected people. This is a tool which gives access to the judiciary for the poorest of the poor. Thus, introduction of PIL is a significant step in ensuring justice for all.

Question 10: Re-read excerpts from the judgment on the Olga Telis vs Bombay Municipal Corporation case. Now write in your own words what the judges meant when they said that the Right to Livelihood was a part of the Right to Life.

Answer: Right to Life has a very wide meaning. Life for human beings does not mean an animal existence because human beings cannot live like animals. Human beings need to live a life of dignity. A human being also needs some source of livelihood to sustain the family and to live a comfortable life. Any act which disrupts the livelihood of a person is the violation of Right to Life.

Judiciary (4)

Class 8th

Sub Civics

Question 11: Write a story around the theme, 'Justice delayed is justice denied'.

Answer: Ramu owned a small patch of land in his village. He had a small hut at one corner of the land and tilled remaining portion to grow some crops. The crop was barely enough to sustain his family but provided considerable support to his meager income. An influential person from the same village captured Ramu's land and threatened Ramu with dire consequences. Ramu mustered up some courage to file a case against his fellow villager. The repeated dates for court hearings meant Ramu had to skip work and had to spend money on lawyers and travel bills. The case protracted for fifteen years. It took its toll in the form of Ramu's falling health and falling income. Ramu's wife died because of lack of proper medical care. Ramu could somehow manage to arrange for his daughter's marriage. Now, he has no physical strength left in him to pursue the case. He is too poor to even fend for himself and has decided to give up. He blames his plight on his bad luck.

Question 12: Make sentences with each of the glossary words given below: (Acquit, to appeal, compensation, eviction, violation)

Answer:

- Laxman was acquitted by the High Court.
- The family members of Sudha wanted to appeal in the Supreme Court.
- The Court ordered for suitable compensation to be given to the slum dwellers.
- The municipal authorities came with an eviction notice against the slum dwellers.
- Taking away the means of livelihood is clear violation of the Right to Life.
