

**JUDICIARY | WORKSHEET****Class 11 - Political Science**

**Question No. 1 to 5 are based on the given text. Read the text carefully and answer the questions:**

**5.0**

The Indian Constitution is based on a delicate principle of limited separation of powers and checks and balances. This means that each organ of the government has a clear area of functioning. Thus, the Parliament is supreme in making laws and amending the Constitution, the executive is supreme in implementing them while the judiciary is supreme in settling disputes and deciding whether the laws that have been made are in accordance with the provisions of the Constitution. Despite such a clear-cut division of power, the conflict between the Parliament and judiciary, and the executive and the judiciary has remained a recurrent theme in Indian politics.

1. What is the Indian Constitution based upon?

- a) Integration of powers
- b) All of these
- c) Separation of powers
- d) Segregation of powers

2. State the main function performed by the Parliament and the Executive.

- a) Separation of laws
- b) Implementation of the laws; formulation of laws
- c) None of these
- d) Formulation of laws; implementation of the laws

3. State the main function of judiciary.

- a) Settle disputes in accordance to directions of the Prime Minister.
- b) Settle disputes in accordance to the council of ministers.
- c) Settle disputes in accordance with the laws
- d) Out of court settlement.

4. Under judicial activism, the Supreme Court gets involved in the administration of justice by giving directions to \_\_\_\_\_ agencies.

- a) Executive
- b) Presidential
- c) Legislative
- d) Parliamentary

5. Which of the following caused differences between the Parliament and the Judiciary?

- a) Preventive detention
- b) Land reform laws
- c) Laws regarding job reservations
- d) Right to property

**Question No. 6 to 10 are based on the given text. Read the text carefully and answer the questions:**

**5.0**

The removal of judges of the Supreme Court and the High Courts is also extremely difficult. A judge of the Supreme Court or High Court can be removed only on the ground of proven misbehaviour or incapacity. A motion containing the

charges against the judge must be approved by a special majority in both Houses of Parliament. It is clear from this procedure that the removal of a judge is a very difficult procedure and unless there is a general consensus among Members of the Parliament, a Judge cannot be removed. It should also be noted that while in making appointments, the executive plays a crucial role; the legislature has the powers of removal. This has ensured both balance of power and independence of the judiciary. So far, only one case of removal of a judge of the Supreme Court came up for consideration before the Parliament. In that case, though the motion got a two-thirds majority, it did not have the support of the majority of the total strength of the House and therefore, the Judge was not removed.

6. A Judge of the Supreme Court or High Courts can be removed only on the ground of proven \_\_\_\_\_.

- a) misbehaviour
- b) misconduct
- c) misappropriation
- d) dictatorship

7. Executive plays the key role in \_\_\_\_\_ of judiciary but legislature has the command over its \_\_\_\_\_.

- a) removal, appointment
- b) appointment, removal
- c) impeachment and appointment
- d) removal and selection

8. Is the removal of Supreme Court or High Court's judge a very common practice?

- a) Only one case has come so far
- b) Many cases have come so far
- c) Not a common practice
- d) Very common practice

9. Where are the charges against the judge written that needs the approval of the Parliament?

- a) In a motion
- b) In a writ
- c) In a law
- d) In an order

10. Why wasn't the removal motion of the Supreme Court judge successful?

- a) Failed to get the majority of the total strength of the House
- b) It did not get 2/3rd majority in the Parliament
- c) The motion was withdrawn
- d) The judge resigned before the motion was moved

11. How has the constitution not maintained balance of power?

[1]

- a) Executive
- b) Judiciary
- c) Media
- d) Legislature

12. What is the full form of PIL?

[1]

- a) Public Interest Litigation
- b) Public Interest Limite(d)
- c) Personal Interest Litigation
- d) Public Illegal Law

13. Salary of the Chief Justice of India is

[1]

- a) Rs. 90,000
- b) Rs. 80,000
- c) Rs. 2,80,000
- d) Rs. 70,000

14. The High Court of Delhi came up in

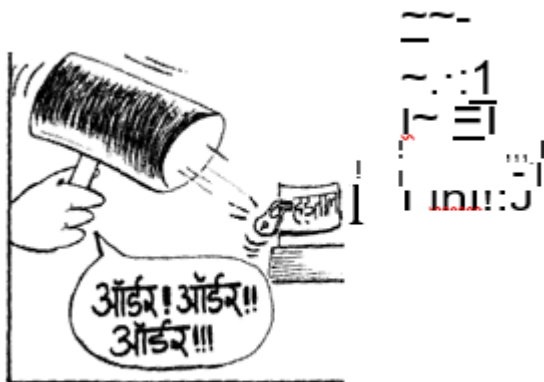
[1]

- a) 1950
- b) 1959

c) 1966

d) 1970

15. By convention who is appointed as the chief justice of India? [1]  
a) Senior-most judge of the Supreme Court      b) Senior-most judge of the High Court  
c) Junior-most judge of the Supreme Court      d) Senior Member of Law Commission
16. Which courts were first established in the three presidency cities of Calcutta, Bombay, and Madras in 1862? [1]  
a) All of these      b) Lower Court  
c) High Court      d) Supreme Court
17. The cases which deal with theft, cheating and robbery are called \_\_\_\_\_. [1]  
a) robbery cases      b) criminal cases  
c) none of these      d) illegal cases
18. If anyone's fundamental rights are violated, he can go to the: [1]  
a) Parliament      b) Rajya Sabha  
c) Court      d) Lok Sabha
19. Supreme Court consists of one Chief Justice and [1]  
a) 13 other Judges      b) 25 other Judges  
c) 20 other Judges      d) 30 other Judges
20. The salaries and allowances of the judges are determined by [1]  
a) Parliament      b) Judiciary  
c) Executive      d) President
21. Read the cartoon given below and answer the questions that follow: [5]



Do you know that in recent times the judiciary has ruled that bandhs and hartals are illegal?

1. Do you know that in recent times the judiciary has ruled that bandhs and hartals are illegal? (3)  
2. What is PIL? (2)
22. In a federation, judiciary is assigned much more important role. Why? [1]  
23. Mention the jurisdiction of powers of the Supreme Court. [1]  
24. What is judicial review exercised by the high court? [1]  
25. Describe the role of the Supreme Court as guardian of the fundamental rights of citizens. [1]  
26. Explain the Administrative Jurisdiction of the High Court. [1]

27. What is the original jurisdiction of the Supreme Court? [2]
28. The Supreme Court is the highest Court of appeals. Discuss. [2]
29. Which writs can be issued by the Supreme Court of India for safeguarding fundamental rights of the citizens? [2]
30. Write a short note on Habeas Corpus. [2]
31. Write a short note on Quo-warranto. [2]
32. What are the different provisions in the constitution in order to maintain the independence of judiciary? [3]
33. What do you mean by Judicial Review? [3]
34. When does the Supreme Court of India advise the President? Is that advice binding on him? [3]
35. What steps have been taken to make independent Judiciary in India? [3]
36. What is the importance of the judicial review of the Supreme Court of India? [5]
37. Describe the importance of Independence of Judiciary. [5]
38. Describe the different modes of appointment of Judges in the Modern States. [5]
39. What do you understand by Independence of Judiciary? [5]
40. Explain the composition and jurisdiction of the subordinate courts at the district level in India. [5]
41. **Read the following excerpts and answer the questions that follow: (1x5=5)** [4]

The Supreme Court is the highest court of appeal. A person can appeal to the Supreme Court against the decisions of the High Court. However, High Court must certify that the case is fit for appeal, that is to say, that it involves a serious matter of interpretation of law or Constitution. In addition, in criminal cases, if the lower court has sentenced a person to death then an appeal can be made to the High Court or Supreme Court. Of course, the Supreme Court holds the powers to decide whether to admit appeals even when it is not allowed by the High Court. Appellate jurisdiction means that the Supreme Court will reconsider the case and the legal issues involved in it. If the court thinks that the law or the constitution has a different meaning from what the lower courts understood, it will change the ruling and along with that also give a new interpretation of the provision involved.

- i. Which is the highest court of appeal? **(1)**
- ii. What do you mean by the Appellate Jurisdiction of the Supreme Court? **(2)**
- iii. Identify the values in the above para. **(2)**

**Solution**  
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1. (c) Separation of powers  
**Explanation:** Separation of powers
2. (d) Formulation of laws; implementation of the laws  
**Explanation:** Formulation of laws; implementation of the laws
3. (c) Settle disputes in accordance with the laws  
**Explanation:** Settle disputes in accordance with the laws
4. (a) Executive  
**Explanation:** When the Supreme Court actively involved itself in the administration of justice by giving directions to **executive agencies**, it is called judicial activism.
5. (d) Right to property  
**Explanation:** There had been differences between the Parliament and the judiciary over the **right to property**.
6. (a) misbehaviour  
**Explanation:** misbehaviour
7. (b) appointment, removal  
**Explanation:** It should also be noted that while in making **appointments**, the executive plays a crucial role; the legislature has the power of **removal**.
8. (a) Only one case has come so far  
**Explanation:** Only one case has come so far
9. (a) In a motion  
**Explanation:** A motion containing the charges against the judge must be approved by a special majority in both Houses of Parliament.
10. (a) Failed to get the majority of the total strength of the House  
**Explanation:** The motion could not get the support of one-half of the total strength of the House.
11. (c) Media  
**Explanation:** Media
12. (a) Public Interest Litigation  
**Explanation:** Public Interest Litigation
13. (c) Rs. 2,80,000  
**Explanation:** Rs. 2,80,000
14. (c) 1966  
**Explanation:** 1966
15. (a) Senior-most judge of the Supreme Court  
**Explanation:** Senior-most judge of the Supreme Court
16. (c) High Court  
**Explanation:** **High Courts** were first established in the three Presidency cities of Calcutta, Bombay, and Madras. The Madras High Court was established in 1862, Calcutta HC in 1861, and Bombay HC in 1862 in the presidency cities of the British Raj.
17. (b) criminal cases  
**Explanation:** criminal cases
18. (c) Court  
**Explanation:** Court
19. (d) 30 other Judges  
**Explanation:** 30 other Judges

20. **(a) Parliament**

**Explanation:** Parliament

21. 1. Many people think that these two things have revolutionised the functioning of the judiciary and made it more people-friendly.  
2. Public Interest Litigation(PIL) filed by a person by writing a letter of complaint against injustice.
22. In a federation, there is a division of power between the Centre and the State. In case of conflict between the Centre and the States, judiciary acts as an arbiter. The judiciary decides cases between the Centre and one or more states, and between two or more States.
23. The jurisdiction of powers of the Supreme Court are Original, Appellate and Advisory jurisdiction.
24. The high court can strike down any order or law of the state of the executive if it violates the provision of the constitution or takes away the fundamental rights of people.
25. The Supreme Court is the ultimate guardian of fundamental rights. When a fundamental right of any citizen is violated by the government or any individual he can seek the protection of the Supreme Court.
26. The High Court enjoys the power of superintendence over all the subordinate courts in the state. It can transfer a case from one subordinate court to another.
27. The Supreme Court enjoys the original jurisdiction in the following:
  - i. A case where jurisdiction can be initiated at first instance.
  - ii. Between the union of India and any state or states and one or more states on either side.
  - iii. Between the union and one or more states.
  - iv. Between two or more states.
28. The Supreme Court has appellate jurisdiction on the decisions of the High Courts and those of other tribunals. The Supreme Court can grant special permission to appeal from any judgement or order in a cause or matter passed or made by any court or tribunal in the territory of India. Thus, the Supreme Court is the highest Court of appeal.
29. The writs that can be issued in the matter are Habeas Corpus, Quo-warranto, Mandamus and Certiorari.
30. The writ of Habeas Corpus is the protector of individual liberty and the foundation stone of the rule of law. Such a writ is to that body who has taken someone else in custody against the spirit of the law. Through this writ, the detainer is ordered to produce the detainee before the court.
31. The writ of Quo-Warranto is issued to an individual who has usurped a public office. He is asked through that writ about his right to hold the said office. This writ is issued only when there is no other way out for remedying the grievances. Moreover, it can be issued only for a public office and not for the office of any private organization. In reply to such a writ the officer concerned has to legally prove his right to hold that office, otherwise, the court can get the office vacated.
32. The different provisions in the constitution in order to maintain the independence of the judiciary are:
  - The conduct of the judges cannot be discussed in the parliament.
  - The legislature is not involved in the process of appointment of judges.
  - The judges have a fixed tenure that ensures that they can work fearlessly. They can be removed only in exceptional cases.
  - The removal of judges of the Supreme Court and the High Courts is extremely difficult.
  - The approval of the legislature is not required for salaries and allowances of the judges.
  - The authority of the judges protects them from any unfair criticism and the judiciary can penalise those who are guilty of contempt of court.
  - The instructions of the judiciary have to be followed by the legislature and executive of the country.
33. i. According to Dimock, "Judicial Review is the examination by the courts in cases actually before them, of legislative status and executive or administrative acts to determine whether or not they are prohibited by a written Constitution or are in excess of power granted by it".  
ii. Judicial Review according to Ferguson and McHenry, is the power of any Court to hold unconstitutional, hence unenforceable, any law or official action that it deems to be in conflict with the basic law of the Constitution.  
iii. In the words of Pennock and Smith, 'Judicial review' refers to powers of the courts to interpret Constitution and to declare acts of the legislature, executive or administration void if It finds them into conflict with the Supreme Law.
34. Under article 143 of the constitution, the Supreme Court exercises advisory or consultative functions also. Article 143 provides that if at any time it appears to the President that a question of law has arisen or is likely to arise which is of public importance, he may refer the question to the Supreme Court for consideration and opinion. Such a question is heard by a Bench consisting of at least five judges and the court follow s the procedure of an ordinary trial. The majority opinion is sent to the President. The judges can hold a dissenting opinion as well. The opinion of the Supreme Court is not binding on the President as it is not of the nature of a judicial pronouncement. Nor is it obligatory for the Supreme Court to give its opinion. It may or may not.
35. The steps have been taken to make independent Judiciary in India were:

- i. In India, the method of the appointment of the judges is divided in such a way that only able persons could become the judges.
  - ii. The judges of the Supreme Court and High Courts are given a very good salary.
  - iii. The judges are kept in service for a pretty long period.
  - iv. Legal qualifications have been prescribed to become the judges of the Supreme Court and the High Court.
  - v. Judiciary has been given vast powers in India.
36. Judicial review is an examination by the courts in the cases of legislative status and executive and administrative acts to determine either they are prohibited by a written constitution or it is deemed to be in conflict with the basic law of the constitution. The Supreme Court acts as the guardian and finds the interpreter of the constitution:
- i. Under Article 32(2) of the constitution, the Supreme Court will decide whether a law in connection with the enforcement of the Fundamental Rights is void or not in its review. or issue the writs if required.
  - ii. Under Article 24, the court can review the extent of law made by legislatures of states.
  - iii. Under Article 246(3), the legislatures of any state have exclusive powers to make law on the subject in the state list.
  - iv. Under Article 254, the Supreme Court can also decide any inconsistency between the law made by legislatures of the state.
- Importance:
- i. To interpret properly to the written constitution, the judicial review is necessary.
  - ii. To secure the public interests and safety of the states, the judicial review is necessary to protect civil liberties.
  - iii. To understand some technical words and language in the constitution, the judicial review is a must.
37. Importance of Independent Judiciary:
- i. It is very important to make the judiciary independent and impartial because an individual comes to the court when he has been harassed by the Legislature or Executive and when he has been denied his due. It protects the poor from the rich. It protects the ordinary citizen from the wrongful acts of the Executive, it protects the fundamental rights and liberties of the individuals, it interprets the laws and the Constitution.
  - ii. It decides disputes between the Centre and the States in the federal set-up. All these functions can be performed properly by the judiciary only if it is independent and impartial. If the people lose faith in the fairness of justice, if they start feeling that justice can be purchased and influenced, the Government cannot last long.
  - iii. In fact, the existence of the state depends upon the judiciary. It is a fact that in ancient days when the judiciary acted in the subordination of the Executive and had no independent organization it could not protect the people from oppression. Montesquieu propounded his theory of separation of powers, making the judiciary independent only for the protection of individual liberty.
  - iv. American President has also laid emphasis on the independence of the judiciary. In his opinion, the judges should give justice independently, impartially and fearlessly in all cases whether they are between the individual and the Government or between the majority and the minority groups or between the individuals. **Dr. Garner** has said, "if the judges lack wisdom, probity, and freedom of decision, the high purposes for which the judiciary is established cannot be realized".
38. Modes of the Appointment of the Judges:
- i. **Election by the People:** In some states of the U.S.A and Switzerland this method has been adopted. But this method is considered defective. A popularly elected judge can never remain independent, impartial and honest. Laski says that of all the methods of appointment of judges the methods of popular election of judges is the most defective. Firstly, people are not wise enough to judge the qualities of a person whom they elect, to be the judge. They cannot elect an honest and impartial judge. Secondly, the judge will be elected on the basis of political parties. The elected judges will always favor the political party which helped in his election and would disfavor those voters who opposed him. Thirdly, he cannot perform his duties sincerely because he will do everything to secure his re-election. Fourthly, to get elected he will make use as so many corrupt practices. A person who indulges in mal-practices cannot become impartial, honest and sincere. A judge elected through popular election cannot deliver the goods properly.
  - ii. **Election by the Legislature:** In certain States, the judges are elected by the Legislature of the State. This system prevails in the U.S.S.R., Switzerland and the certain States of the U.S.A. The judges elected in this way cannot be impartial and honest. The judges will remain under the influence of the political parties. This method is also not without defects.
  - iii. **Appointment by the Executive:** Appointment by the executive is the most common and most satisfactory method for the choice of the judges. It prevails in Great Britain and the British dominions as well as in the Federal Government of the U.S.A. and some States of the U.S.A, and in India also. Though political considerations play a part in making the Selection when once appointed the judges are independent and are not under the influence of the executive. This method makes for the independence of the judiciary. The Executive is considered to be the best-qualified agency for the appointment of trained and

skilled lawyers to the post of the judges. The executive should appoint the judges in consultation with the Chief Justice or the Public Service Commission. A judge who is appointed on the basis of merit will always be impartial and independent.

39. **Meaning of the term 'Independence of Judiciary'.** Why is the independence of the judiciary desirable? Since the days of monarchs, despots and theoretic regimes, much sanctity is attended to the judiciary. 'Justice' is depicted as a blind-folded person, who holds the scale of justice. Such a depiction is symbolic of the impartial quality of a judge. Be in a democracy or a despotic regime, impartial judges have been highly praised. In order to be impartial, it is required that judges should be independent. Unless they are independent they cannot properly meet out justice.

An independent judiciary can only protect the rights of individuals against encroachment by others. Encroachment need not only be from private persons. Even Government officials, in course of their duty, are likely to encroach upon the rights of individuals. Under the circumstances, it is only an independent judiciary that can come to the rescue of the aggrieved party. In federal policy independence of the judiciary is imperative.

The judiciary in a federal system functions as the defender of the constitution. It also acts as an impartial arbiter of disputes that often arise between national and state governments. Unless the judges are independent and the conditions of their service are unapproachable and their service is secure, they cannot freely express their opinion. About the independence and impartiality of Judiciary Prof. Laski says, "The men who are to make justice in the courts, the way in which they are to perform their functions, the method by which they are to be chosen, the terms upon which they shall hold their powers, these and other related problems lie at the heart of political philosophy".

40. The jurisdiction of the subordinate courts at the district level is classified into:

**a. The criminal courts:**

- i. The highest court in a district is the District and session judges' court to be empowered to hear both the civil and criminal cases.
- ii. The District and Session judges, both are the same person, in case of hearing of civil cases, the same judge is known as a session judge.
- iii. He is appointed by the Governor of the state in the consultation with the Chief Justice of the high court under whose jurisdiction the state falls.
- iv. Some other session judges can also be appointed if required.
- v. He hears appeals from subordinate courts in the matters of serious crimes, i.e. murder, dacoities, etc.
- vi. He is empowered to award the sentence to death but this should be confirmed by the high court.
- vii. The lowest criminal court in the district is third class Magistrate to hear small cases of beating and quarrelling and is empowered to sentence one month's imprisonment and a fine of up to ~ 50 only.
- viii. The second class magistrate comes next to the above mentioned to hear the cases of some more graver nature and is empowered to sentence for six months' imprisonment and a fine up to ~ 200 only.
- ix. Then, comes the first-class Magistrate above them to enjoy appellate and original jurisdiction both in the cases involving a sentence of imprisonment up to two years and a fine up to ~ 1,000.
- x. Against the first class Magistrate's courts, the appeals can be filed in the district and session courts.

**b. The Civil Courts:**

- i. The district judge is the highest civil court in a district.
- ii. There are many sub-judges under him under various courts, to be divided into several ranks.
- iii. These sub-judges can hear the cases involving an amount of ~ 5,000 only, who possess original jurisdiction and hear the appeals against Munsifs court also.
- iv. The Munsif court is competent to hear the cases involving an amount of ~ 2,000 only.
- v. Some courts competent to hear small cases involving an amount of ~ 1,000 have also been established and against the decision of this court, no appeal can be made because very experienced persons are appointed as judges here.
- vi. There are also some senior civil judges to help the district judges who generally possess the powers of district judges.

**c. Revenue courts:**

- i. Revenue courts hear the appeals relating to the revenue of the district.
- ii. The lowest Revenue court is the court of Naib Tehsildar and above him, the court of Tehsildar to hear the revenue cases.
- iii. The highest revenue court in the district is the court of Collector (Deputy Commissioner).
- iv. Appeals against Deputy Commissioner's court can be made in the court of the commissioner.
- v. He appeals against the commissioner's court can be made in the Board of Revenue and above it to the high court if required.



41. i. The Supreme Court is the highest court of appeal. A person can appeal to the Supreme Court against the decisions of the High Court.
- ii. Appellate Jurisdiction means that the Supreme Court will reconsider the case and the legal issues involved in it. If the court thinks that the law or the constitution has a different meaning from what the lower courts understood, then the Supreme Court will change the ruling and along with that also give a new interpretation of the provision involved.
- iii. The values in the above para are:
- a. Right to Justice.
  - b. Respect of law.
  - c. Equality.