

Chapter 5 Judiciary

Module 1

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In India we have the rule of law. To enforce this rule of law, we have a judicial system. It is an organ of the government. As an organ of government, the judiciary plays a crucial role in the functioning of India's democracy.

What is the Role of the Judiciary?

- Courts take decisions on a very large number of issues. The work of the Judiciary is divided into the following:-

1. **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.
2. **Judicial Review:** As the final interpreter of the Constitution, the 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.
3. **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 Indian Constitution protects the citizens against the influence of the rich and powerful people by providing for the independence of judiciary.
- This is done by the 'Separation of Powers'.
- The other branches of the 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.
- All judges in the High Court as well as the Supreme Court are appointed with very little interference from other branches of government.
- Once appointed to this office, it is very difficult to remove a judge.
- 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.
- 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 our country:

Supreme Court of India



High Courts of States



District courts

→ **Supreme Court:** Supreme Court of India is the highest judicial court in India. The Supreme Court was established on 26 January, 1950. It is located in New Delhi and is presided over by the Chief Justice of India.

→ **High Courts:** Each state has a High Court which is the highest court of that state. Currently there are 25 High Courts.

→ **Subordinate or district courts:** These courts are at the district or Tehsil level or in towns and they hear many kinds of cases. Each state is divided into districts that are presided over by a District Judge. There are 672 district courts in India.

- In India, we have an **integrated judicial system**, meaning 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.

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