

NCERT Solutions For Class 11 Political Science

JUDICIARY

1. What are the different ways in which the independence of the judiciary is ensured? Choose the odd ones out.
 - (i) Chief Justice of the Supreme Court is consulted in the appointment of other judges of Supreme Court.
 - (ii) Judges are generally not removed before the age of retirement.
 - (iii) Judge of a High Court cannot be transferred to another High Court.
 - (iv) Parliament has no say in the appointment of judges.
1. The different ways to ensure the independence of judiciary:
 - (ii) The judges are generally not removed before the age of retirement.
 - (iv) Parliament has no say in the appointment of judges.

(i) and (iii) are the odd ones out.
2. Does independence of the judiciary mean that the judiciary is not accountable to any one? Write your answer in not more than 100 words.
2. The independence of judiciary does not mean that judiciary is not accountable to any one. But it means:
 - No other organ of the government would restrain the functioning of judiciary.
 - The judges can perform their functions without any fear or favoritism.
 - Judiciary is accountable to the constitution of India, to the people of India and to the democratic traditions.
3. What are the different provisions in the constitution in order to maintain the independence of judiciary?
3. The independence of judiciary means that other organs of government should not interfere in the functioning and decisions of the judiciary and judiciary can perform its duties without any favour or fear. It enjoys various provisions in constitution to ensure independence of judiciary as follows:
 - Parliament has no say in the appointment of judges to avoid politics.
 - The judges enjoy a fixed tenure as they hold their office till the age of their retirement and the constitution prescribes very difficult procedure for exceptional cases if required.
 - The action and decisions of the judges are immune from personal criticism.
 - The salaries and allowances of the judges are not subjected to the approval of the legislature as per the constitution.
 - The judiciary can penalise them who are found guilty of the contempt of court.

NCERT Solutions For Class 11 Political Science

- The constitution specifically bars the Parliament from discussing the conduct of the judges except the impeachment proceedings.

4. Read the news report below and identify the following aspects:

1. What is the case about?
2. Who has been the beneficiary in the case?
3. Who is the petitioner in the case?
4. Visualize what would have been the different arguments put forward by the company.
5. What arguments would the farmers have put forward?

Supreme Court orders REL to pay Rs 300 crore to Dahanu farmers:

Our Corporate Bureau 24 March 2005:

Mumbai: The Supreme Court has ordered Reliance Energy to pay Rs. 300 crores to farmers who grow the chikoo fruit in the Dahanu area outside Mumbai. The order comes after the chikoo growers petitioned the court against the pollution caused by Reliance's thermal power plant.

Dahanu, which is 150 km from Mumbai, was a self-sustaining agricultural and horticultural economy known for its fisheries and forests just over a decade ago, but was devastated in 1989 when a thermal power plant came into operation in the region. The next year, this fertile belt saw its first crop failure. Now, 70 per cent of the crop of what was once the fruit bowl of Maharashtra is gone. The fisheries have shut and the forest cover has thinned. Farmers and environmentalists say that fly ash from the power plant entered ground water and polluted the entire eco-system.

The Dahanu Taluka Environment Protection Authority ordered the thermal station to set up a pollution control unit to reduce sulphur emissions, and in spite of a Supreme Court order backing the order the pollution control plant was not set up even by 2002. In 2003, Reliance acquired the thermal station and re-submitted a schedule for installation process in 2004. As the pollution control plant is still not set up, the Dahanu Taluka Environmental Protection Authority asked Reliance for a bank guarantee of Rs. 300 crores.

- 4.
1. A case of pollution by Reliance Thermal Power Plant.
 2. The farmers have been beneficiary.
 3. The chikoo growers of Dahanu.
 4. The main contention of Dahanu Taluka Environment Protection Authority and the Supreme Court was setting up of a pollution control plant.
Reliance acquired the plant in 2003, so it pleaded for further extension of time limit for setting up of pollution control plant.'
The pollution was not wholly of its making as it had acquired the plant in 2003. Accordingly, it had argued for the reduction of penalty.

NCERT Solutions For Class 11 Political Science

5. The farmers might have argued that since Reliance had failed in its commitment to install the pollution control unit in 2004, it did not have intentions to do it, so it must be penalized to some greater extent.
5. Read the following news report and,
 1. Identify the governments at different levels
 2. Identify the role of Supreme Court
 3. What elements of the working of judiciary and executive can you identify in it?
 4. Identify the policy issues, matters related to legislation, implementation and interpretation of the law involved in this case.

Centre, Delhi join hands on CNG issue:

By Our Staff Reporter, The Hindu 23 September 2001:

NEW DELHI, SEPT. 22. The Centre and the Delhi Government today agreed to jointly approach the Supreme Court this coming week... for phasing out of all non-CNG commercial vehicles in the Capital. They also decided to seek a dual fuel policy for the city instead of putting the entire transportation system on the single-fuel mode "which was full of dangers and would result in disaster."

It was also decided to discourage the use of CNG by private vehicle owners in the Capital. Both governments would press for allowing the use of 0.05 per cent low sulphur diesel for running of buses in the Capital. In addition, it would be pleaded before the Court that all commercial vehicles, which fulfil the Euro-II standards, should be allowed to ply in the city. Though both the Centre and the State would file separate affidavits, these would contain common points. The Centre would also go out and support the Delhi Government's stand on the issues concerning CNG. These decisions were taken at a meeting between the Delhi Chief Minister, Ms. Sheila Dikshit, and the Union Petroleum and Natural Gas Minister, Mr. Ram Naik.

Ms. Dikshit said the Central Government would request the court that in view of the high powered Committee appointed under Dr. R.A. Mashelkar to suggest an "Auto Fuel Policy" for the entire country, it would be appropriate to extend the deadline as it was not possible to convert the entire 10,000-odd bus fleet into CNG during the prescribed time frame. The Mashelkar Committee is expected to submit its report within a period of six months.

The Chief Minister said time was required to implement the court directives. Referring to the coordinated approach on the issue, Ms. Dikshit said this would take into account the details about the number of vehicles to be run on CNG, eliminating long queues outside CNG filling stations, the CNG fuel requirements of Delhi and the ways and means to implement the directive of the court.

The Supreme Court had ...refused to relax the only CNG norm for the city's buses but said it had never insisted on CNG for taxis and auto rickshaws. Mr. Naik said the Centre would insist on allowing use of low sulphur diesel for buses in Delhi as putting the entire

NCERT Solutions For Class 11 Political Science

transportation system dependent on CNG could prove to be disastrous. The Capital relied on pipeline supply for CNG and any disruption would throw the public transport system out of gear.

5.

- The central government and the Delhi Government.
- The role of the Supreme Court is to see that the government policies and actions at central and states levels should be in tune with the parameters of the pollution control regimes.

If not, it has to see that governments should comply with these parameters. Example- the Supreme Court had asked for phasing out all non-CNG vehicles on 22 September 2001 within a week. But some difficulties arose in its implementation, hence the Supreme Court later breathed to the government that it had never insisted on CNG for taxis and auto rickshaws but it refused to relax the only CNG norm for city's buses.

- The Supreme Court was concerned about the environmental degradation in the city and to stop delaying to the cities of Delhi Government, it had come heavily and had directed for phasing out of all non CNG commercial vehicles in a week.
- It is the duty of the government to ensure a pollution free environment on the basis of check and balance approach between the executive and judiciary.

The judiciary has to see that the government does not bypass its commitments. The contempt of court may follow if the government does not comply with the direction of the Supreme Court.

6. The following is a statement about Ecuador. What similarities or differences do you find between this example and the judicial system in India?

"It would be helpful if a body of common law, or judicial precedent, existed that could clarify a journalist's rights. Unfortunately, Ecuador's courts don't work that way. Judges are not forced to respect the rulings of higher courts in previous cases. Unlike the US, an appellate judge in Ecuador (or elsewhere in South America, for that matter) need not provide a written decision explaining the legal basis of a ruling. A judge may rule one way today and the opposite way, in a similar case, tomorrow, without explaining why."

6. No similarity is found in this example between Ecuador and India because:

- In India, judicial decisions play an important role in the form of sources of law-making.
- The judges give their own interpretations to decide the cases to expand or modify laws.
- The rulings of the Supreme Court and high courts are often quoted by lawyers with effect and authority.
- In the example given above, it would be helpful if a body of common or judicial precedent existed to clarify a journalist's right.

NCERT Solutions For Class 11 Political Science

In Ecuador, the judiciary does not work in the same manner, hence judicial decisions do not become the precedents and the judge may rule one way today and the other way tomorrow without explaining why.

7. Read the following statements. Match them with the different jurisdictions the Supreme Court can exercise – Original, Appellate, and Advisory.

1. The government wanted to know if it can pass a law about the citizenship status of residents of Pakistan-occupied areas of Jammu and Kashmir.
2. In order to resolve the dispute about river Cauvery the government of Tamil Nadu wants to approach the court.
3. Court rejected the appeal by people against the eviction from the dam site.

7. Original Jurisdiction: The cases which can be directly considered by the Supreme Court without going to the lower courts earlier.

Appellate Jurisdiction: The Supreme Court is the highest court of appeal against the decisions of the high courts but it should be certified that the case is fit for appeal.

Advisory Jurisdiction: The President can refer any matter which is of public interest but is not binding on the President to accept the advice's as it is.

- The government wanted to know if it can pass a law about the citizenship status of residents of Pakistan-occupied areas of Jammu and Kashmir. It is an Advisory Jurisdiction.
- In order to resolve the dispute about river Cauvery the government of Tamil Nadu wants to approach the court. It is an Original jurisdiction.
- Court rejected the appeal by people against the eviction from the dam site. It is an Appellate Jurisdiction.

8. In what way can public interest litigation help the poor?

8.

- Since 1979, the court has changed the trend for the poor in the situation or case, if the case was filed by others on behalf of aggrieved persons.
- This case involved an important issue of public interest which involved the betterment of life conditions of the poor.
- Even the voluntary organisations sought judicial intervention for protection of existing rights of the poor.
- Public Interest Litigation (PIL) is a tool. For judicial activism which include protection of environment, prohibition of trafficking especially of women, bonded labour, grievances of weaker sections and relief for under trial prisoners in jail, etc.
- Example: Hussainara Khatoon vs. Bihar case, a petition was filed by an advocate in favour of many prisoners in Bihar who spent long years in jail and released after the Supreme Court heard the case.

NCERT Solutions For Class 11 Political Science

- The problems of the poor are of different kinds which can be solved by the intervention of Supreme Court after filing Public Interest Litigation (PIL).
9. Do you think that judicial activism can lead to a conflict between the judiciary and the executive? Why?
9. Yes, the judicial activism can lead to a conflict between the judiciary and the executive because judicial activism has a great impact on the political system.
- Judicial activism make the electoral system much more easy by making it free and fair.
 - The courts guided the candidates to file an affidavit which gives details of their assets and income along with educational qualification to let the voters know about them and to make executive much more accountable.
 - This gives a dissatisfaction to the candidates and judicial activism has blurred the line of distinction between the executive and legislature on the one hand and the judiciary on the other. The court has been involved in resolving issues which belong to the executive.
 - Reducing air or sound pollution or investigating cases of corruption or bringing about electoral reform is not the duty of judiciary, these are the duties to be performed by the executive. Hence, sometimes judicial activism can lead to a conflict between the judiciary and executive.
10. How is judicial activism related to the protection of fundamental rights? Has it helped in expanding the scope of fundamental rights?
10. The constitution of India grants the following Fundamental Rights to its citizens:
- Right to Equality
 - Right to Freedom
 - Right against Exploitation
 - Right to Freedom of Religion
 - Cultural and Educational Rights
 - Right to Constitutional Remedies

All the said fundamental rights are protected under the 'Right to constitutional Remedies' (Article 32 and 226) by providing the writs of habeas corpus, mandamus, quo-warranto, prohibition and certiorari. The Supreme Court can declare the concerned law as unconstitutional and therefore non-operational. (Article 13). The power of judicial review of the Supreme Court on the ground that they violate the fundamental rights. Hence, judiciary is enabled to protect the constitution effectively and the rights of citizens as well. The practice of entertaining the Public Interest Litigation has also further added to the power of the judiciary in protecting the rights of citizens.

Various writs under Right to Constitutional Remedies:

Habeas Corpus:

NCERT Solutions For Class 11 Political Science

- If somebody is taken into custody against the spirit of laws.
- The detainer is ordered to produce the detainee before the court.

Mandamus:

- Issued by Supreme Court to the lower court, official, etc.
- To protect the right of petitioner and to get duties done by authority against whom writ is issued.

Quo warranto:

- Issued to individual who has usurped a public office.
- Through the writ, the person is asked to hold the said office.

Prohibition:

- Issued by a higher court to a lower court.
- It is issued when either the lower court exercises the powers beyond its limitations.

Certiorari:

- Issued alongwith the writ of prohibition.
- A higher court orders a lower court to send the records concerned with a care therewith to the former.

11. What do you mean by judiciary?

11. Judiciary is an important organ of the government to punish those who violate the laws passed by legislature.

12. Name the highest judicial authority in India.

12. The Supreme Court of India in Delhi.

13. Mention the age of retirement of a judge of high court.

13. The age of retirement of a judge is 62 years or he can resign also before completion of his retirement age.

14. In how many categories, can the court cases be divided?

14. Civil cases, i.e. matters related to money, property, inheritance, marriage disputes, etc.
Criminal cases, i.e. theft, robbery, murder, etc.

15. Mention the qualifications of a high court judge.

15.

- He should be a citizen of India.
- He must have been an advocate in any high court of India.
- He must have worked for at least 10 years on judicial post.

16. Mention the jurisdiction of powers of the Supreme Court.

16. Original, Appellate and Advisory jurisdiction.

NCERT Solutions For Class 11 Political Science

17. What do you mean by Lok Adalats?

17. Lok Adalats are popular courts which decide cases at a much quicker speed.

18. Write down the composition of the Supreme Court of India.

18.

- Supreme Court of India consists of a Chief Justice and 25 other judges.
- The judges of the Supreme Court are appointed by the President in the consultation with such judge to whom he feels appropriate for the same?
- In appointing other judges, the President will consult with the Chief Justice of India.
- A judge of Supreme Court holds office till the age of 65 years.

19. How can a judge of Supreme Court be removed from his office?

19. A judge of the Supreme Court can be removed from his office before his term expires on the ground of incapacity or misbehavior if Parliament approves it by a majority of two-third members of the Parliament (Both the houses) present and voting. Finally, the President exercises the right to remove a judge if impeachment is proved.

20. What is the original jurisdiction of the Supreme Court?

20. The Supreme Court enjoys the original jurisdiction in the following:

- A case where jurisdiction can be initiated at first instance.
- Between the union of India and any state or states and one or more states on the either side.
- Between the union and one or more states.
- Between two or more states.

21. What are the Advisory Powers of the Supreme Court of India?

21. The Supreme Court advises the President on matters of public importance and law after full consideration of the subject concerned. It is upto the President only either he accepts the advice or not.

22. What is the composition of a high court in a state?

22.

- The number of judges in the high court is not fixed. It is fixed by the President only.
- Every high court has a Chief Justice and other judges to be fixed by the President.
- On the appointment of Chief Justice, the President consults the Chief Justice of India and the Governor of the state concerned.
- While other members' appointment is consulted with the Governor of state and Chief Justice of high court.

NCERT Solutions For Class 11 Political Science

- 23.** What is judicial review exercised by the high court?
- 23.** 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.
- 24.** What are the powers of the high court?
- 24.**
- The matters concerning the fundamental rights, will and contempt filed directly in the high court.
 - A high court controls the working of the lower courts as it lays down rules and regulation for their working.
 - It entertains the appeals against lower courts in civil or criminal cases to be decided by session judge or district judge.
- 25.** How can a judge of the high court be removed from the office?
- 25.** Under Article 124, the President will make order to remove a judge only after an address of each house of Parliament to be supported by two-third majority of members present and voting.
- 26.** What are the powers of the District Court?
- 26.**
- Deals with the cases arising in a district.
 - Considers appeals on decisions of lower courts.
 - Decides cases of serious criminal offences.
- 27.** Give some suggestions to ensure speedy and inexpensive justice in India.
- 27.**
- The instruments of judicial activism should be availed, i.e. Public Interest Litigation which has expanded the idea of rights and duties even to those, who cannot approach the courts easily.
 - The pendency of cases should be expediated and decided at the earliest possible.
 - Some new courts should be established as well as the fees of courts and advocates should be controlled upto minimum extent.
 - Lok Adalats should be established more and these should be publicised also, so that maximum people could get justice in a speedy manner.
- 28.** What is the jurisdiction of the high courts?
- 28.**
- The high courts are empowered to issue orders, directions and writs for the enforcement of fundamental rights and for any other purpose also.

NCERT Solutions For Class 11 Political Science

- The high courts of Mumbai, Chennai and Kolkata exercises original jurisdiction as they had before the enforcement of the new constitution on the cases involving hearing of Christians Parsis.
- The above-mentioned high courts also exercise the original jurisdiction when the amount involved is more than? 2,000 and in criminal cases, it extends to cases committed to them by presidency Magistrates.
- The jurisdiction of the high courts also extends to the matters of administration, matrimonial, contempt of court and cases transferred from a lower court.

29. What are Lok Adalats? Explain.

29.

- Lok Adalats resolve disputes on the basis of discussion, counselling to provide speedy and Chief Justice alongwith the mutual and free consultation of the parties concerned.
- Lok Adalats reduce time and expenditure also.
- These were established to eliminate delay in imparting justice and to speed up clearance of pending cases earliest possible.
- In 1985, in Delhi, the first Lok Adalat was held and 150 cases were decided within a single day.

30. What is Public Interest Litigation? Explain.

30.

- The Public Interest Litigation was initiated by some judges of the Supreme Court.
- PIL can register a complaint through an application or mentioned on postcard.
- PIL has been used to provide reliefs for undertrial prisoners in jails, acquisitions of cycle, rickshaws by licensed rickshaw pullers, prohibition of human trafficking, etc.
- Due importance is given to the weaker sections, bonded labour, women and children.
- The PIL acquired new dimensions under the leadership of former Chief Justice P.N. Bhagwati.

31. What is the importance of judiciary in a democratic country like India?

31. Judiciary plays an important role in imparting justice to people due to complex nature of society. Hence, it performs the following functions:

- The judiciary acts as a custodian of the constitution by interpreting it in a proper manner as it can declare any law passed by legislature ultra vires and unconstitutional if it is against the spirit of constitution.
- The judiciary performs the legislative functions by way of giving judge made laws to fill up the gap between the legislature and society.

NCERT Solutions For Class 11 Political Science

- The judiciary performs some administrative functions by keeping a check on the smooth functioning of each court.
- The judiciary advice's the head of the state on the validity of particular law so that it can not be declared unconstitutional after it is passed.
- It is the duty of the judiciary to see whether the people could enjoy their fundamental rights without any contradiction.
- The judiciary look after minors, issues licenses, grant probates, bails and administer oath of office, etc.

32. Mention those factors which ensure the independence of the judiciary in India.

32.

- Judges of Supreme Court and high court are appointed by the President of India on the consultation of Chief Justice and governor of the state in the case of high court. Hence, appointment of judges make it independent, free from any pressure of political parties.
- The judges of India are supposed to be highly qualified because a highly qualified person can judge the cases in an independent manner as' well as they are expertise of law on the basis of experience of five or ten years as an advocate.
- The method to remove judges in India, is very difficult because no judge can be removed from the post before he attains the age of retirement.
- A judge enjoys a fixed tenure of his service till the age of retirement and avails more experience and delivers justice on honest and sincere basis.
- To make judges impartial they are provided with the handsome salaries so that they could not accept bribe or run after money.

Passage 1.

Read the passage (NCERT Textbook, page 141) given below carefully and answer the questions that follow:

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 clear cut division of power the conflict between the Parliament and judiciary, and executive and the judiciary has remained a recurrent theme in Indian politics.

- 33.** What is the base of Indian constitution?
- 33.** The Indian constitution is based on a delicate principle of limited separation of powers and checks and balances mean each organ of government has clear area of functioning.

NCERT Solutions For Class 11 Political Science

- 34. What are the main functions of Parliament and executive?
- 34. The Parliament is supreme in law making and amending the constitution while the executive implements them.
- 35. Mention one important function of judiciary.
- 35. The judiciary is supreme in settling disputes and deciding whether the laws have been made according to the provisions of constitution.

Passage 2.

Read the passage (NCERT Textbook, page 139) given below carefully and answer the questions that follow:

Besides, as we saw in the section on jurisdiction of the Supreme Court, in the case of federal relations too, the Supreme Court can use the review powers if a law is inconsistent with the distribution of powers laid down by the Constitution. Suppose, the central government makes a law, which according to some States, concerns a subject from the State list. Then the States can go to the Supreme Court and if the court agrees with them, it would declare that the law is unconstitutional. In this sense, the review power of the Supreme Court includes power to review legislations on the ground that they violate fundamental rights or on the ground that they violate the federal distribution of powers. The review power extends to the laws passed by State legislatures also.

- 36. What is judicial review by the Supreme Court?
- 36. The judicial review is the power of the Supreme Court to examine the constitutionality of any law.
- 37. What does judicial review consist of?
- 37. It consists that the Supreme Court can strike down a law that goes against fundamental rights.
- 38. How does judicial review extend in the federal distribution of power?
- 38. Suppose, the central government makes a law concerning some subjects from state list. Then the state can go to the Supreme Court and if court agrees with them, can declare it unconstitutional.
- 39. Explain the composition, original and appellate jurisdiction of Supreme Court of India.
- 39. Composition:
As per Article 124 (1) of the constitution provides that Parliament does not make provisions for the appointment of judges through a law as the Supreme Court shall have a Chief Justice and seven other judges. But this number has been increased several times by Parliament. Hence, at present there is a Chief Justice and 25 other judges.

NCERT Solutions For Class 11 Political Science

Appointment and Tenure: The Chief Justice is appointed by the President of India and other judges are also appointed by the President on consultation with the Chief Justice. The judges hold their office till the age of retirement till they complete 65 years of age.

Original Jurisdiction:

As per Article 32, the original jurisdiction of the Supreme Court extends, to issue various writs to enforce Fundamental Rights of the people and the high court enjoys concurrent jurisdiction over them.

The following cases of center and states directly come under the original jurisdiction of the Supreme Court:

- The dispute between the central government and state government.
- The central government and one or more states on the one hand and one or more states on the other or
- Two or more states are involved in the disputes.

But no such case will come under its jurisdiction (original) which is concerned with a treaty of contract to be negotiated before the enforcement of the constitution or a contract in which it is given specifically that the contract will not be taken to the Supreme Court.

Appellate Jurisdiction: The Appellate jurisdiction of the Supreme Court is classified into three types as constitutional, criminal and civil:

1. **Constitutional Appeals:**

- An appeal to the Supreme Court against the decision of high court for the interpretation of the constitution.
- Such appeal can be brought to the Supreme Court if high court certifies to require an interpretation in that particular case.
- If the Supreme Court grants a special leave of appeal.

2. **Criminal Appeals:**

- If high court certifies that a case is fit to take to the Supreme Court for an appeal.
- If a criminal acquitted by a lower court and is sentenced to death by high court.
- If a high court awards death sentence in a case which it had taken from a lower court undecided.

3. **Civil Cases' Appeals:**

- The 30th amendment in 1972 brought some significant changes in civil proceedings against a judgement of high court required that the amount involved in subject matter of dispute should not be less than ₹ 20,000 for invoking the Appellate jurisdiction of the Supreme Court.

40. Explain the composition and jurisdiction of the subordinate courts at the district level in India.

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

(a) The Criminal Courts

NCERT Solutions For Class 11 Political Science

(b) The Civil Courts

(c) The Revenue Courts

(a) The criminal courts:

- The highest court in a district is the District and session judges' court to be empowered to hear both the civil and criminal cases.
- The District and Session judges, both are the same person' in case of hearing of civil cases, the same judge is known as session judge.
- 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.
- Some other session judges can also be appointed if required.
- He hears appeals from subordinate courts in the matters of serious crimes, i.e. murder, dacoities, etc.
- He is empowered to award the sentence to death but this should be confirmed by the high court.
- The lowest criminal court in the district is third class Magistrate to hear small cases of beating and quarreling and is empowered to sentence one month's imprisonment and fine of up to ₹ 50 only.
- 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 fine up to ₹ 200 only.
- Then, comes 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.
- Against the first class Magistrate's courts, the appeals can be filed in the district and session courts.

(b) The Civil Courts:

- The district judge is the highest civil court in a district.
- There are many sub-judges under him under various courts, to be divided into several ranks.
- 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.
- The Munsif court is competent to hear the cases involving an amount of ₹ 2,000 only.
- 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.
- There are also some senior civil judges to help the district judges who generally possess the powers of a district judges.

(c) Revenue courts:

- Revenue courts hear the appeals relating to revenue of the district.

NCERT Solutions For Class 11 Political Science

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

41. What is the importance of the judicial review of the Supreme Court of India?

41. 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 constitution.

The Supreme Court acts as the guardian and finds interpreter of the constitution:

- 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.
- Under Article 24, court can review the extent of law made by legislatures of states.
- Under Article 246(3), the legislatures of any state has exclusive powers to make law on the subject in state list.
- Under Article 254, the Supreme Court can also decide any inconsistency between the law made by legislatures of the state.

Importance

- To interpret properly to the written constitution, the judicial review is necessary.
- To secure the public interests and safety of the states, the judicial review is necessary to protect the civil liberties.
- To understand some technical words and language in the constitution, the judicial review is must.

NCERT Solutions For Class 11 Political Science

Read the cartoon (NCERT Textbook, page 135) given below and answer the questions that follow:



42. What is the cartoon about?
42. The cartoon is about Judicial Activism.
43. What message is being conveyed through the cartoon?
43. The cartoon conveys that the judiciary has ruled that bandhs and hartals are illegal.
44. What are the instruments of Judicial Activism?
44. Public Interest Litigation or Social Action Litigation to file complaints of those who cannot reach the court and initiated by others for their grievances.