

Chapter-6

Judiciary

Revision Notes

1. Judiciary is an independent body to settle down the disputes arisen between the individuals or groups or government on the basis of the rule of law. And judiciary is a part of the democratic political structure of the country.
2. The rule of laws ensures supremacy of law which safeguards the rights of individuals, settles disputes and ensures that democracy does not give way to individual or group dictatorship.
3. A judiciary should be independent means executive or legislature should not interfere either in the functioning or decisions of the judiciary as well as judges could perform their duties without any fear or favour.
4. The constitution of India has the provision for single integrated judicial system. Right from 1950 the Judiciary has played an important role in interpreting the Constitution.
5. The Supreme Court of India is one of the very powerful courts in the world. The provisions for Supreme Court of India have been made consisting a Chief Justice and 25 other judges.
6. The judges of the Supreme Court are appointed by the President after consultation with such of judges of the Supreme Court and of the high courts in the states as the President may deem necessary for the purpose.
7. The judges of the Supreme Court holds the office till the age of 65 years.
8. The judges' salaries (Supreme Court) are determined by the Parliament by law, which are specified in the second schedule.
9. A judge of the Supreme Court or the high court can be removed only on the ground of misbehaviour or incapacity. If some charges are imposed against the judges, it must be approved by special majority in both the houses.
10. When the office of Chief Justice falls vacant, the duties may be performed by the other judge of the same category to whom the President may appoint for the same purpose.
11. Supreme Court exercises its jurisdiction in the form of Original, Writ, Appellate, Advisory and Special Powers.

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- a. Original: To settle disputes between the union and the states and among states.
 - b. Writ: Can issue constitutional writs to protect fundamental rights of the people.
 - c. Appellate: Tries appeals in civil, criminal and constitutional cases.
 - d. Advisory: Advises the President on the matters of public importance and law.
 - e. Special powers: Can grant special leave to an appeal from any judgement or matter passed by any court in the territory of India.
12. The decisions of Supreme Court are binding on all courts. It can transfer the judges of high courts, can move cases from any court to itself or can transfer cases from one high court to another.
 13. High court hears appeals from lower courts, can issue writs to resort fundamental rights, can deal with the cases within jurisdiction of the states and exercise control and superintendence over its subordinate courts.
 14. District court deals with the cases arising in the district, consider Appeals on decisions given by lower courts and decides cases involving serious criminal offences.
 15. Subordinate courts to Supreme Court and high courts consider cases of civic and criminal nature.
 16. The Supreme Court is considered as the guardian of the constitution.
 17. Judicial review stands for the power of the Supreme Court to examine the constitutionality of any law.
 18. Public Interest Litigation or Social Action Litigation is to hear cases where case is not filed by aggrieved person but by others on their behalf or consideration of an issue of public interest.