

NCERT SOLUTIONS

CLASS - 11th



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Class : 11th

Subject : Political science

Chapter : 6

Chapter Name : Judiciary

Q1 What are the different ways in which the independence of the judiciary is ensured? Choose the odd one out.

- (i) Chief Justice of the Supreme Court is consulted in the appointment of other judges of the 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

Answer. (i) and (iii) are odd ones.

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Q2 Does independence of the judiciary mean that the judiciary is not accountable to any one? Write your answer in not more than 100 words.

Answer. The independence of Judiciary, does not necessarily mean that the respective organ of the government is not accountable to anyone. The integrated and independent nature of Judiciary clearly means that it enhances the system of checks and balances associated with the democratic system of politics. The independence of Judiciary, is primarily from legislative and executive but is subjected to the pressure from people, interest groups etc.

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Q3 What are the different provisions in the constitution in order to maintain the independence of the judiciary?

Answer. The different provisions in the constitution in order to maintain the independence of the judiciary are:

- (a) The salary of the judges is subject to the Consolidated Fund of India and is not subject to the monetary resources under the control of state or centre.
- (b) The appointment, removal etc of the judges is also a procedure that requires the say of many judicial officers rather than only the executive ones.
- (c) The conduct of the Chief Justice of India cannot be discussed in both the houses of the Parliament.
- (d) The conduct of the judges cannot be discussed and the judiciary has the power to take action against the contempt of the court.

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Q4 Read the news report below and identify the following aspects:

- ✓ What is the case about?
- ✓ Who has been the beneficiary in the case?
- ✓ Who is the petitioner in the case?
- ✓ Visualise what would have been the different arguments put forward by the company.
- ✓ 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 crore 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 percent 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 ecosystem. 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 the

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.

Answer.

- (a) The case is regarding the "Pollution caused by Reliance Energy".
- (b) The Dahanu farmers are the beneficiary in this case.
- (c) The Chikoo Growers are the petitioner in this case.
- (d) Reliance Energy must have presented arguments in front of the Supreme Court to extend the time for the establishment of the pollution control plant.
- (e) The Dahanu Farmers must have demanded the complete removal of the respective plant as it was responsible for the destruction of local economy and must have asked for more penalty upon the Reliance Energy also.

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Q5 Read the following news report and,

- . Identify the governments at different levels
- . Identify the role of Supreme Court
- . What elements of the working of judiciary and executive can you identify in it?
- . 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 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.

Answer.

- (a) The Central Government and the Delhi Government.
- (b) The role of the Supreme Court was to check that the government developmental projects are in coordination with the sustainable way for the conservation and protection of the environment.
- (c) Two elements were clearly present involving: Judicial activism and coordination between executive and judiciary.
- (d) The legislature has to deal with the policy issues pertaining to: economic development, feasibility, scalability of the respective policy. The legislature will work upon the general principles of discourse regarding the sustainable development and practicality of the policy introduced by the governments both of Delhi and Centre.

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Q6 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."

Answer. The similarities between the Indian Judicial system and Ecuador's judicial system is that both run upon the principles of independence of Judiciary while as on the other hand, the difference lies along the line of usage of "judicial precedents", which forms an essential

component of the Indian Judiciary. The use of Judicial precedents allows the Indian Judicial system to exercise its control in an efficient and effective manner.

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Q7 Read the following statements: Match them with the different jurisdiction the Supreme Court can exercise - Original, Appellate, and Advisory.

. 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.

. In order to resolve the dispute about river Cauvery the government of Tamil Nadu wants to approach the court.

. Court rejected the appeal by people against the eviction from the dam site.

Answer.

- (a) Advisory Jurisdiction.
- (b) Original Jurisdiction.
- (c) Appellate Jurisdiction.

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Q8 In what way can public interest litigation help the poor?

Answer. Public Interest Litigation (PIL), can help the marginalised sections of the society as it empowers them to voice out their opinion against a private or governmental organisation. It also allows the judiciary to recognise the affected groups of a particular legislative change introduced by the government. By using PIL, poor people exercise their right of reaching the Supreme Court, as he considered as 'custodian of fundamental rights'.

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Q9 Do you think that judicial activism can lead to a conflict between the judiciary and the executive? Why?

Answer. Yes, the whole concept of Judicial Activism is considered as very 'socialistic' in its basic nature. The capitalistic vested interests of the government often receive clash from the Judiciary as it mainly advocates for the rights of marginalised and lower classes of the society. The clash between the Judiciary and Central Government on issues pertaining to "environment", is to be considered as the towering specimen of such clash.

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Q10 How is judicial activism related to the protection of fundamental rights? Has it helped in expanding the scope of fundamental rights?

Answer. Judicial activism is related to protection of fundamental rights as it advocates the proper implementation of Fundamental rights despite their negative character. Judiciary is declared as "custodian of fundamental rights" and achieves that status by aiming towards the proper protection of individual's rights. Yes, such a notion has definitely helped in expanding the scope of fundamental rights.

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