

Civics- 5.

A. Mcqs

1. D. Kolkata 2. C. Guwahati 3. D. All of these 4. D. Munsif 5. A district judge

2. Match the following:

1.- d. Supreme Court

2.- e. Navin Jindal

3.- a. Civil cases

4.- b. Lok adalats

5.- C. Criminal cases

C. Short answers-

1. India has an integrated and unified Judiciary. Cases from lower levels can be appealed in the court higher than that. The Judiciary has a pyramid structure which subordinate courts- district and sessions- at the lowest level, then the high court at the apex is the supreme court which is the final decision maker in the judicial system. Hence, it is known as the apex court.

2. An independent and impartial Judiciary is essential in a democracy. Some functions of the judicial system are :

interprets laws and applies them to resolve disputes that arise between states of India, and between the centre and one or more States.

Guardian of the constitution and upholds fundamental rights.

punishes people who have broken a law Once his /her guilt is established.

helps resolve personal and property related disputes.

3. Original jurisdiction means that it is certain legal cases can be filled only in the supreme court. These are-

Disputes involving Centre and State/States.

Disputes involving States.

Cases under Public Interest Litigation(PIL)

Cases pertaining to the election of the President or Vice-president.

4. The two subordinate courts in the districts are-

The court of the District Judge is the highest court in the district for civil cases. This court hears appeals against the decision of the lower courts. Subordinate judges and Munsif deal with cases at lower levels.

The court of the Sessions judge is the highest court for criminal cases. It can also award the death penalty after approval of the High Court.

5. A Lok Adalat provides fast and affordable justice to the poor and underprivileged. These courts provide justice to those cases which are Pending in other courts for a long time. The first Lok Adalat was held in Delhi in 1985.

It is presided by a sitting or retired members of the judiciary and two others.

D. Long answers-

1. Civil and criminal cases differ from each other in the following way. -

Type of cases-

Civil- Disputes concerning property, money, marriage, inheritance and land.

Criminal- Crimes that harm society- robbery, adultery, forgery, murder, cheating, physical injury.

Verdict-

Civil- Limited to injunctions or payment of compensation.

Criminal- May be serve such as fines, imprisonment or death.

Complainant-

Civil- person himself/herself or through his or her lawyer appointed.

Criminal- The state

Concerned parties-

Between two or more individuals

Criminal- The state at large and the accused.

2. A public interest litigation or PIL is important in a democracy. It is filed by an individual or a group of individuals in the High Court or Supreme Court. When an issue of public interest is not given due importance or attention, a PIL can be filed against the government or an organisation. The court only

admits these cases when it is satisfied that the PIL actually is in the Welfare of the public. Since it was established , PIL has emerged as one of the most powerful means of bringing about Social justice and equality.

3. Laws once made and implemented may be interpreted in many ways by the people of a country. Therefore, it is important that an independent and impartial exists Judiciary when a dispute arises to make the interpretation of the law. Independence from any control is required so that the Judiciary can make its own decisions without fear from external Agencies. Being impartial is essential to make the citizens feel secure that irrespective of their social or religious backgrounds justice will be provided to them. Many civil cases and criminal cases besides other cases which are a political nature are taken up by the Judiciary.

4. The supreme court is the apex or highest authority in the Judiciary. It has various jurisdictions. There are many ways by which the supreme court acts as a Guardian of democracy.

It upholds the Constitution by checking any anti- constitution laws or policies introduced by the government.

It guarantees justice to citizens and protects their fundamental rights.

It safeguards the Federal nature of the country by resolving disputes between the centre and states .

It is the guardian of the constitution.

5. The supreme court can take up various cases under its various jurisdictions-

- disputes involving centre and state /States : state of Karnataka vs Union of India ,1977,in which the central government had issued a notification to enquiry into the conduct of certain ministers including the chief ministers of Karnataka.

- disputes involving states : The Cauvery water dispute between Tamilnadu and Karnataka.

- cases under public interest litigation PIL: Union of India v/s Naveen Jindal for permission to fly the national flag by private citizens ,1995 .

- cases pertaining to the election of the president or vice president : Jawaharlal Nehru and Dr Rajendra Prasad controversy. The role of the president as formal Head only as per the supreme court.

- appeals from lower courts.

- cases where fundamental rights have been believed to be infringed. (case of Irshat Jahan).

A. Multiple Choice Questions:

1. B. Non-cognisable 2. B. Warrent 3. C. Secret location
4. A. Police 5. C. Fair trail

B. Match the following:

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|-----------------------|---|
| 1. Charge sheet | C. A written report prepared by the police on the basis of investigation. |
| 2. Cognisable offence | B. Any crime that is punishable |
| 3. FIR | A. A complaint recorded for the first time by the police. |
| 4. Warrent | E. A court's directive to a police officer to arrest someone |
| 5. Public prosecutor | D. A gazetted officer. |

C. Short answers:

1. The superintendent of police and other police officers functions under a District Collector who is responsible for the law and order situation of a district. Each district is divided into 5 or 6 sub divisions under the charge of a Deputy Superintendent of Police. Each police station has an Inspector, a Sub - Inspector and Head Constable.

2. An FIR or First Information Report as the name suggests is the first information about an offence recorded by the police officer on duty. It is given by the aggrieved or affected person.

The FIR is very important as it is on the basis of this report that the police can start an investigation.

3. The police force is expected to uphold the law and abide by the constitution. It has the following functions:

-Filing and registering an FIR (for a non-cognisable offence permission of the court is taken prior to filing an FIR)

-Investigating a case once the FIR is registered and collect evidence against the accused.

-Preparing a charge sheet.

4. The two circumstances under which an accused is allowed to file an appeal in a Higher Court are:

if he or she is dissatisfied with the judgement passed by the lower courts.

if a death sentence has been issued by the lower courts.

5. A fair trial is ensured by the Constitution by ensuring that :

-the courts should provide a copy of the charge sheet and list of witnesses.

-trial should not be held in a secret location and should be in the presence of accused.

-enough time should be given to cross examine witnesses.

-a judge takes decisions on the basis of evidence.

D. Long answers-

1. A fair trial is ensured by the Constitution by the following ways:

-the courts should provide a copy of the charge sheet and list of witnesses.

-trial should not be held in a secret location and should be in the presence of accused.

-enough time should be given to cross examine witnesses.

-a judge should take decisions on the basis of evidence.

-The accused can fight in his or her by presenting witnesses.

-opportunity to cross examine all prosecution witness.

-Judges should remain impartial and impart a fair verdict.

2. The role of the police:

-Filing and registering an FIR (for a non-cognisable offence permission of the court is taken prior to filing an FIR)

-Investigating a case once the FIR is registered and collect evidence against the accused.

-Preparing a charge sheet.

The role of the courts after a charge sheet is filed :

- a public prosecutor, a gazetted officer, is appointed who supports the court in finding out facts.
- evidence against the accused is placed before the court by the public prosecutor.
- arguments of the accused and defendant are heard carefully by the court to ensure a fair trial to the accused.
- a warrant may be issued by the court to arrest someone and present him or her before them.

3. A charge sheet is a formal document which is prepared by investigating officer after thorough investigation of the case and has collected enough evidence to be able to accuse someone of a crime. This document is then presented before the court. On the basis of the charge sheet the court then decides who among the accused has to be put on trial on the basis of the evidence collected.

4. The role of the courts is to determine whether the person accused of committing a crime is guilty or not on basis of the charge sheet filed by the police. It then appoints a public prosecutor who supports the court in finding out facts against the accused and places it before the court. The court then conduct a fair trial on the basis of guidelines given by the constitution. Arguments of the accused and defendant are heard carefully. A warrant may be issued by the court to arrest someone and present him or her before them. If guilt is proved, then the court awards a suitable punishment.

5. Once the police have filed the charge sheet in court a public prosecutor, who is a gazetted officer, is appointed by the state. He or she is considered a Minister of Justice and must be fair, impartial and truthful.

The public prosecuter supports the court in finding out facts. He or she acts accordingly to the directions of the judge. Evidence against the accused is placed before the court by the public prosecutor who then argues on behalf of the state. His or her duty is to seek a conviction against the accused.