



“बेटी बचाओ, बेटी पढ़ाओ”

JAYOTI VIDYAPEETH WOMEN'S UNIVERSITY, JAIPUR

FACULTY OF LAW & GOVERNANCE

Faculty Name : JV'n Pratibha
Program : LLb,1stSem/1styear
Course Name : Human Rights
Session No. & Name : 2023-2024

Academic Day starts with –

Greeting with saying ‘**Namaste**’ by joining Hands together following by 2-3 Minutes Happy session, Celebrating birthday of any student of respective class and **National Anthem**.

Lecture Starts with- Review of previous Session

Topic to be discussed today - Today We will discuss about Role of Judiciary

Lesson deliverance (ICT, Diagrams & Live Example) - Live Example

PPT (10Slides)

Diagrams

Introduction & Brief Discussion about the Topic - Role of Judiciary

University Library Reference -

Journal

Online Reference if Any.

Suggestions to secure good marks to answer in exam-

Explain answer with key point answers

Questions to check understanding level of students-What do you mean by Role of Judiciary

Small Discussion about Next Topic - National Human Right Commission

Academic Day ends with-
National Song 'Vande Mataram'

Meaning of Judiciary

According to the [Cambridge English Dictionary](#), the judiciary is that organ of the government that is responsible for the legal system, which includes all the judges in the country's courts. In other words, it is that branch of the government that interprets the law and administers justice to all citizens. It is the third organ of the government after the legislature and the executive, which is based on the doctrine of separation of powers. According to this doctrine, the power of the government is divided into multiple branches, among which the judiciary is one. Thus, it has independent powers and responsibilities vested upon it by the sovereign

Judiciary refers to the branch of government which interprets the law, settles disputes, and also administers justice to all citizens. The Judiciary is referred to as the watchdog of democracy and also as the guardian of the constitution.

What is the role of the judiciary

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.

Judicial Review : As the final interpreter of the Constitution, the judiciary also 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. This is called judicial review.

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

Functions of judiciary

The functions of the judiciary are as follows:

Administration of justice :

The primary function of the judiciary is to ensure justice for the people. The courts play a huge role in deciding the fate of parties in a dispute. It also punishes people for committing crimes. When a case goes to court, the judge is responsible for ensuring justice for the parties by applying relevant laws present at that time.

Interpretation and application of laws

Laws are made by the sovereign of the country. These laws are made to regulate specific acts, and their ultimate goal is to maintain law and order in society. The role of the judiciary is to apply these laws to the cases that come before it to reach the correct decision. Throughout the years, the courts have developed ways to apply laws more effectively, which include the rules of interpretation. According to these rules, the courts may use the literal rule, golden rule, mischief rule, or any other rules of interpretation based on the requirement. Since there are cases of varying degrees, no matter how extensive the provisions of a statute are, they may not be adequate to cover all the issues of a case effectively. Thus, rules of interpretation help the courts to interpret the appropriate meaning of the terms of a statute so that it can remove the absurdity caused by the literal interpretation and do justice to the case at hand.

Judicial review

Since the judiciary is the protector of rights and the guardian of the Constitution, it goes out of its way to ensure the legislature is not making laws that restrict the rights of the people. Judicial review is the proactive measure used by the judiciary to review the actions of the legislature and the executive. There are three kinds of reviews, review of legislative actions, review of decisions, and review of administrative action. A review of legislative actions means the power of the court to determine the constitutionality of Acts made by the legislature. Judicial review of decisions includes determining the lawfulness of a particular decision or action made by a public authority. Administrative actions, although do not decide a right, they have the capability of affecting the rights of people. Thus, a review of administrative action includes determining the constitutionality of a particular action

Arbitration

The judiciary also performs the function of an arbitrator when there are disputes between the different state governments or between the central and state governments. For example, there are issues on which either the central or the state government can make laws, and in some, both can make laws. Sometimes these issues become a battle between the authorities of different governments. In such cases, the judiciary plays the role of an umpire, making sure both parties come to a reasonable agreement

Advisory function

The courts, especially the higher ones, have the responsibility of advising the government or the equivalent head of state in legal matters. Since the judiciary consists of great legal minds in the country, the head of state can seek advice from the judges of the highest court in the country. This advice is not binding on the party seeking it and is thus advisory in nature. The party seeking advice may, if it so desires, choose not to follow the advice at all. Issues that involve

matters of public importance are the ones that are mostly referred to the highest court for advice

The important functions and roles of the judiciary include:

Creation of judge-case law : In various cases, the judges are not able to, or find difficulties in the selection of an appropriate law for application, decided on basis of wisdom and common sense. Because of this “judge-made law” or “case law” or made.

Administration of Justice : The primary function of the judiciary is the application of law to specific cases or for settling disputes. The certain dispute brought into the court determines the facts involved with the help of evidence presented by the contestants. If certain somebody is found guilty, charges will be imposed on them.

Guardian to the Constitution : Supreme Court acts as a guardian to the Constitution and conflicts of jurisdiction between the central government and state governments are determined in court. Any law or executive order violated by any of the provisions of the Constitution is declared to be unconstitutional or null by the judiciary. This is known as “judicial review”.

Supervisory functions : The courts also perform functions of supervising the subordinate courts of India, which come under supervisory functions.

Protector of Fundamental Rights : People’s rights not being trampled upon is ensured by the judiciary. By issuance of writs, the superior courts enforce fundamental rights.

Advisory functions : The Supreme Court of India performs advisory functions and gives advice on opinions on constitutional questions.

Conducting Judicial Enquiries : Judges normally called head commissions are responsible for inquiry into cases of errors or even omissions on part of public servants.

Administrative functions : Some important administrative functions of the courts are non-judicial or administrative in nature. Certain licenses, administer the estates and also register for marriages, appoint guardians of minor children and also lunatics.