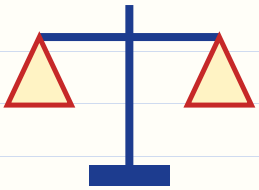
FREE SAMPLE | Buy the complete pack at notesbazar.in | page 1 of 10

Class 12 · Legal Studies · Unit 1

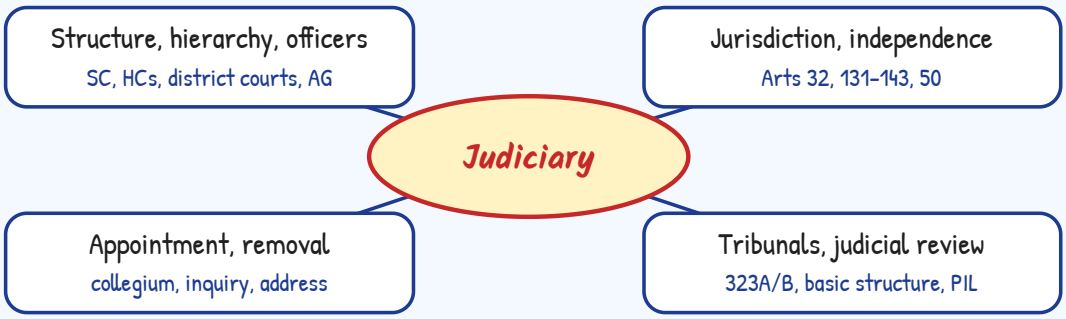
Chapter 1
Judiciary



courts · judges · review

CBSE Legal Studies (074) syllabus 2026-27 · board 2027 · Unit 1 = 8 marks of 80

Chapter map



What is inside

1. Concept notes with tables and diagrams
2. Important textbook questions, fully solved
3. Every CBSE board question of 2024, 2025, 2026 from this unit, solved to the marking scheme
4. Practice A-G with a case study, 20 MCQs, 6 A-R, answers, summary

red = key term green = definition

purple = sub-heading black = explanation

★ = high-frequency board topic

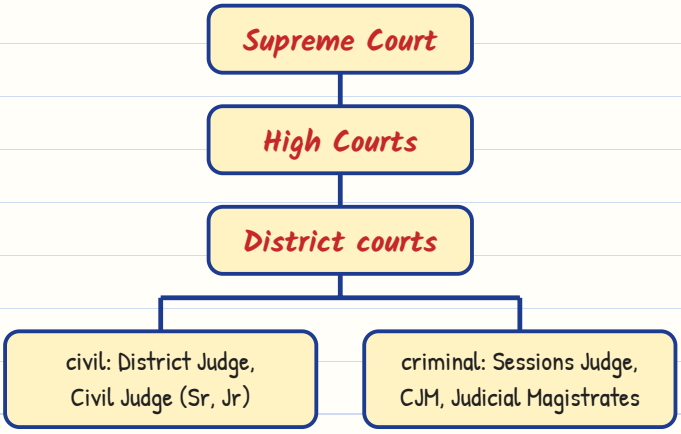
This unit in the board paper

year	MCQ (1)	2 / 3 marks
2024	removal order; A-R PIL; A-R tribunals	collegium or HC role (2); sentinel qui vive (3)
2025	amicus curiae; Art 136; A-R PIL	judicial review (2); independence or Art 50 (3)
2026	correct pair (34 judges)	HC appointment (2); judicial review or appeals (2); basic structure or tribunals (3)

Based on the CBSE Legal Studies syllabus 2026-27 and the CBSE textbook. All answers written by us.

1.1 Structure and hierarchy of courts ★★★

India has a **single, integrated judiciary**: one hierarchy for both Union and State laws, with the **Supreme Court** at the top.



Supreme Court (Art 124)	Chief Justice of India + 33 judges = **34 judges**; Delhi; established 28 January 1950
High Courts (Art 214)	25 High Courts; the oldest is **Calcutta** (1862); some serve more than one State or UT
subordinate courts (Arts 233–237)	district and sessions courts and lower civil and criminal courts; family courts, consumer forums, tribunals alongside

Legal officers ★★

Attorney General (Art 76)	highest law officer of the Union; appointed by the President; qualified to be an SC judge; right to audience in all courts; can speak in Parliament without vote; first AG: **M. C. Setalvad**
Solicitor General, Additional SGs	assist the AG; appear for the Union
Advocate General (Art 165)	highest law officer of a State; appointed by the Governor
Public prosecutors	conduct prosecutions for the State in criminal courts
amicus curiae	"friend of the court": an expert who assists the court with **impartial** advice on complex issues, **without representing any party**

1.2 Roles of the Supreme Court ★★★

original (Art 131)	disputes between Centre and States, or between States
writ (Art 32)	enforces Fundamental Rights: habeas corpus, mandamus, prohibition, certiorari, quo warranto
appellate (Arts 132–134)	constitutional (132), civil (133: HC certifies a substantial question of law of general importance, Art 134A), criminal (134: e.g. HC **reverses an acquittal and awards death**)
special leave (Art 136)	discretion to grant leave to appeal against any judgment of **any court or tribunal in India** (except military tribunals)
advisory (Art 143)	opinion to the President on questions of law
court of record (Art 129)	its records are evidence; can punish for **contempt**
review (Art 137)	can review its own judgments

Role of High Courts ★★

- hear **appeals** from lower courts in the State
- issue **writs** (Art 226) for Fundamental Rights and other legal rights: wider than Art 32
- deal with cases within the State's jurisdiction
- **superintendence** over all courts and tribunals below (Art 227)
- a **court of record** (Art 215): can punish for contempt

1.3 Independence and impartiality ★★★

Why it matters: only an independent judiciary can uphold the **rule of law** and **due process** (fairness, liberty, rights), act as the **watchdog** of democracy maintaining checks and balances, and guard Fundamental Rights. **Article 50** (a Directive Principle) directs the State to **separate the judiciary from the executive**.

safeguards	
security of tenure	judges serve till retirement (SC **65**, HC **62**); removal only for proved misbehaviour or incapacity by a stringent process
salaries	fixed, **charged on the Consolidated Fund**, not voted, not reduced to their disadvantage (except in financial emergency)
no practice after retirement	SC judges cannot practise in any court; HC judges not in the same court
conduct not discussed	Parliament cannot discuss a judge's conduct except in a removal motion
contempt power	to protect its authority

1.4 Appointment of judges ★★★

SC judges (Art 124(2)) and **HC judges** (Art 217) are appointed by the **President**. Through the **Three Judges Cases**, the SC created the **collegium** system (the NJAC Act was struck down in 2015).

Supreme Court collegium	
1	the CJI consults the **four senior-most SC judges**
2	the CJI sends recommendations to the **Union Law Minister**
3	the Law Minister sends them to the **Prime Minister**
4	the PM advises the **President**, who makes the appointment

High Court (Art 217): the President appoints after consulting the **CJI**, the **Governor** and, for other judges, the **HC Chief Justice**. The HC collegium (HC CJ + two senior-most judges) recommends to the CM and Governor → Law Minister → CJI with two SC judges → Law Minister → PM → President. So consulting **only** the CJI is **invalid** (2026).

Removal of judges ★★

Art 124(4) and the **Judges (Inquiry) Act, 1968**; ground: **proved misbehaviour or incapacity**.

(iii) 1	**notice of motion** signed by 100 Lok Sabha or 50 Rajya Sabha members
(i) 2	Speaker or Chairman constitutes a **three-member inquiry committee**
(iv) 3	committee **submits its report**; if guilty, motion taken up
(ii) 4	address passed by special majority in each House; **order by the President**

1.5 Tribunals ★★

Tribunals are quasi-judicial bodies set up to decide specialised disputes quickly, with expert members. The **42nd Amendment (1976)** began the "tribunalisation" of the judiciary by inserting:

Art 323A	Parliament may set up **administrative tribunals** for service matters of public servants (CAT, 1985, under the Administrative Tribunals Act)
Art 323B	Parliament and State Legislatures may set up tribunals for taxation, foreign exchange, land reform, elections, rent, industrial disputes, etc.

Examples: CAT, NGT (2010), ITAT, NCLT, consumer commissions. In **L. Chandra Kumar (1997)** the SC held that tribunal decisions are subject to the **writ jurisdiction of the High Court**: appeals against the CAT go to a **Division Bench of the HC**, not the other way round (2024 A-R).

1.6 Judicial review ★★★

Judicial review is the power of a court to examine an executive or legislative act and declare it void if it is incompatible with the Constitution. Basis: **Arts 13, 32, 226**, 131–136.

- protects **Fundamental Rights**
- keeps the **federal balance**: Art 246 and the Union, State and Concurrent Lists; strikes down laws or notifications beyond the Centre's or a State's competence (2026)
- **basic structure doctrine** (**Kesavananda Bharati, 1973**): Parliament can amend any part, but not destroy the basic structure (democracy, secularism, federalism, judicial review itself)

Public Interest Litigation (PIL) ★★★

PIL is litigation filed in court for the protection of public interest, where the court relaxes locus standi.

- **locus standi relaxed**: any public-spirited person or organisation can approach the court on behalf of the poor or aggrieved
- based on **citizen standing** and **representative standing**
- **epistolary jurisdiction**: even a letter to a judge can be treated as a petition
- **suo motu**: the court acts on its own on matters of public importance
- strengthened the judiciary as a **monitor and watchdog**

Sentinel qui vive ("watchful guardian"): the SC protects the fundamental and constitutional rights of the people through PILs (relaxed locus standi), suo motu actions and writs (habeas corpus, mandamus, prohibition, quo warranto, certiorari).

Key Terms: integrated judiciary, original, appellate, advisory, writ jurisdiction, SLP, court of record, contempt, collegium, impeachment (removal), tribunal, judicial review, basic structure, PIL, locus standi, amicus curiae.

CBSE board questions 2024–2026, fully solved

CBSE 2024 · 074 For the process of removal of judges in India - Identify the correct sequence in the ascending order : (i) Constitution of an inquiry committee (ii) Order by the President (iii) Notice for motion for removal of a judge (iv) Submission of the inquiry report (A) (iii), (iv), (i), (ii) (B) (iii), (i), (iv), (ii) (C) (iv), (iii), (i), (ii) (D) (iii), (ii), (i), (iv) [1]

> **Ans.** (B) (iii), (i), (iv), (ii)

CBSE 2024 · 074 Assertion (A) : PILs are based on the tenets of citizen standing and representative standing. Reason (R) : PILs have strengthened the role of judiciary as a monitor and watch dog agency. (A) Both (A) and (R) are true and (R) is the correct explanation of (A). (B) Both (A) and (R) are true and (R) is not the correct explanation of (A). (C) (A) is true, but (R) is false. (D) (A) is false, but (R) is true. [1]

> **Ans. (B) Both true, R not the explanation of A.**

CBSE 2024 · 074 Assertion (A) : Tribunals have contributed in supplementing the role of courts in adjudicating service disputes. Reason (R) : Appeals against the orders of the Division Bench of any High Court lie before the Central Administrative Tribunal. (A) Both (A) and (R) are true and (R) is the correct explanation of (A). (B) Both (A) and (R) are true but (R) is not the correct explanation of (A). (C) (A) is true, but (R) is false. (D) (A) is false, but (R) is true. [1]

> **Ans. (C) A true, R false**: appeals from the CAT go to the HC.

CBSE 2025 · 074 In a landmark case, the Supreme Court was handling a highly technical environmental dispute involving multiple stakeholders and scientific complexities. Given the intricate details of environmental policies and scientific evidence, the Court appointed an amicus curiae, an expert in environmental law and science, to assist by providing impartial information and insights on the matter. The amicus curiae made recommendations based on international standards, which helped the Court in reaching its final decision. Based on the concept of amicus curiae, which of the following statements is correct ? (A) The amicus curiae advocates for the interests of the public and acts as a representative for the government. (B) The amicus curiae serves as the legal advisor to the party that requests their assistance in the case. (C) The amicus curiae assists the Court by providing impartial expertise on complex issues, without representing any party in the case. (D) The amicus curiae is only allowed to assist in cases related to constitutional matters. [1]

> **Ans. (C)**

CBSE 2025 · 074 A High Court in India issues a verdict in a complex property dispute, which left one party dissatisfied with the decision. The aggrieved party now seeks to approach the Supreme Court for special leave to appeal. Under Article 136, the Supreme Court can grant special leave to appeal against any judgement, decree or order in any matter passed by : (A) any court or tribunal in India (B) only High Court (C) only subordinate court (D) only tribunals [1]

> **Ans. (A)**

CBSE 2025 · 074 Assertion : (A) : Any public-spirited person can file petition or write letters to court on behalf of aggrieved persons. Reasoning (R) : Courts have liberalized the doctrine of locus standi of the enforcement of fundamental rights through Public Interest Litigations (PILs). (A) Both (A) and (R) are true and (R) is the correct explanation of (A). (B) Both (A) and (R) are true, but (R) is not the correct explanation of (A). (C) (A) is true, but (R) is false. (D) (A) is false, but (R) is true. [1]

> **Ans. (A) Both true and R explains A.**

CBSE 2026 · 074 Which of the following pairs is correctly matched ? (A) First Attorney General of India – K.K. Venugopal (B) Newest High Court – Calcutta (C) Supreme Court of India – 34 Judges (D) Civil Law System – Judge made Laws [1]

> **Ans. (C)**. First AG was M. C. Setalvad; Calcutta is the oldest HC; civil law is codified.

CBSE 2024 · 074 (A) How are judges of the Supreme Court of India appointed under the collegium model for judicial appointments ? OR (B) Explain the role of High Courts in the Indian Judicial System. [2]

Ans. (A) (i) CJI consults the four senior-most SC judges; (ii) CJI sends recommendations to the Union Law Minister; (iii) the Law Minister sends them to the PM; (iv) the PM advises the President, who declares the appointments (flowchart acceptable).
(B) (any two) hear appeals from lower courts; issue writs to restore Fundamental Rights; deal with cases within the State's jurisdiction; superintendence and control over courts below; court of record that can punish for contempt.

CBSE 2024 · 074 Explain the role of Supreme Court of India as a 'sentinel qui vie'. [3]

Ans. The SC is the sentinel qui vive (watchful guardian) of the fundamental and constitutional rights of the people. Through **PIL** it relaxed locus standi so that public-spirited citizens and organisations may approach it for victims; it takes up matters of public importance **suo motu**; this jurisdiction is invoked through writs or even **letters to judges**, under its PIL guidelines; it issues directions, orders and **writs** (habeas corpus, mandamus, prohibition, quo warranto, certiorari) to enforce rights.

CBSE 2025 · 074 Explain the principle of judicial review. [2]

Ans. Judicial review is a principle whereby a court can **examine or review an executive or legislative act**, such as a law or an administrative decision, and **determine whether it is incompatible with the Constitution**; if so, it is declared void.

CBSE 2025 · 074 (A) "Independence of judiciary is vital for the respect of due process of law." Elaborate. OR (B) "Article 50 of the Constitution of India directs the State to take steps to separate the judiciary from the executive." In light of Article 50, discuss the importance of the separation of powers between the judiciary and the executive. State any two provisions enumerated in Article 50 that contribute to the independence of the judiciary in India. [3]

Ans. (A) Due process means the State must respect all legal rights owed to a person and conform to fairness, liberty and Fundamental Rights; only an **independent** judiciary, free from executive and legislative pressure, can enforce this against the State itself.
(B) Separation helps maintain the **rule of law** and a free, fair society; makes the judiciary a **watchdog** maintaining checks and balances; makes it the **guardian of Fundamental Rights** (any one). [1] Provisions (any two): security of tenure till retirement; no practice after retirement in the same or equivalent courts; removal only for proved misbehaviour or incapacity by a stringent process; salaries fixed and not subject to legislative vote. [2]

CBSE 2026 · 074 The President of India is appointing a new judge to a High Court. He consults only Chief Justice of India for finalising the appointment. Is this constitutionally valid ? Justify your answer by referring to legal provisions. [2]

Ans. **No, it is unconstitutional.** [1] Art 217 requires the President to appoint HC judges after consulting the **CJI**, the **Governor** of the State and, for a judge other than the Chief Justice, the **Chief Justice of the HC**; under the collegium the HC CJ and two senior judges recommend, through the CM and Governor, to the Law Minister and the CJI with two SC judges, then the PM advises the President. [1]

CBSE 2026 · 074 (A) The Central Government issued a notification directing all State Governments to adopt a uniform fare system for **intra-state bus services**. A state government challenged the notification in the Supreme Court, arguing that it interfered with the state's administrative powers. The Supreme Court examined the case and struck down the provisions of the notification for exceeding the powers of the Central Government under the Constitution. Identify the power exercised by the Supreme Court in this case and explain it briefly. **OR** (B) Read the following situations and state whether an appeal to the Supreme Court is possible. Mention the relevant article of the Constitution in each case. (i) The High Court reversed the acquittal of an accused and sentenced him to death. (ii) In a civil case, the High Court upheld the decree of the lower court and no substantial question of law was involved. The losing party now wants to challenge this decision before the Supreme Court. (Part (B) is printed only in Hindi in the paper; English rendering.) [2]

> **Ans.** (A) **Judicial review**. [1] It lets the SC examine the constitutionality of laws and executive acts and strike them down if they violate the Constitution; here it enforced the division of powers under **Art 246** and the Seventh Schedule (Union, State, Concurrent Lists), so the Centre cannot encroach on State matters. [1]
>
> (B) (i) **Yes, Art 134**: when an HC reverses an acquittal and imposes death, an appeal lies as of right. [1]
>
> (ii) **No** under **Art 133**, which needs an HC certificate (Art 134A) of a substantial question of law of general importance; the party may still seek **special leave under Art 136** in an exceptional case. [1]

CBSE 2026 · 074 (A) Explain the doctrine of Basic Structure as an important element of Judicial review. **OR** (B) Explain the constitutional provisions relating to the establishment of Tribunals in India. [3]

> **Ans.** (A) (any three) (i) It invalidates any constitutional amendment that destroys a basic feature such as secularism, democracy, federalism. (ii) The SC has held judicial review itself to be a basic feature, so it can nullify amendments that abolish it. (iii) The judiciary evolved it to stop amendments eroding the Constitution's core. (iv) It applies when the executive and legislature cross constitutional limits. (v) **Kesavananda Bharati (1973)**: no part, including Fundamental Rights, is beyond amendment, but the basic structure cannot be abrogated. [1 × 3]
>
> (B) (1) The **42nd Amendment, 1976** inserted **Arts 323A and 323B** ("tribunalisation"). (2) **Art 323A**: Parliament may set up administrative tribunals for service matters of public servants. (3) **Art 323B**: Parliament and State Legislatures may set up tribunals for taxation, foreign exchange, industrial and labour disputes, land reforms, elections and similar matters. [1 × 3]

Important textbook questions

1. Explain the jurisdiction of the Supreme Court.

> **Ans.** **Original** (Art 131: Centre–State and inter-State disputes); **writ** (Art 32: Fundamental Rights); **appellate** (Arts 132–134: constitutional, civil, criminal); **special leave** (Art 136); **advisory** (Art 143); **court of record** (Art 129); **review** (Art 137).

2. How is the independence of the judiciary secured?

> **Ans.** Security of tenure (SC 65, HC 62); removal only by a stringent process for proved misbehaviour or incapacity; salaries charged on the Consolidated Fund and not reduced; no practice after retirement; conduct not discussed in the legislature; power to punish contempt; separation from the executive (Art 50).

3. What is PIL? Why is it important?

> **Ans.** Litigation for public interest in which locus standi is relaxed so that any public-spirited person can move the court for those who cannot; letters may be treated as petitions; courts may act suo motu. It brings justice to the poor, protects the environment and rights, and makes the judiciary a watchdog.

Practice set: test yourself *Exam-style*

A. Fill in the blanks (1 mark each)

1. The Supreme Court has _____ judges including the CJI.
2. The first Attorney General of India was _____.
3. HC judges retire at _____.
4. Writs by the SC are issued under Article _____.
5. Tribunals were added by the _____ Amendment.
6. The basic structure doctrine came from the _____ case.

B. True or false? (1 mark each)

1. India has a single integrated judiciary.
2. An SC judge can practise in a High Court after retirement.
3. The President removes a judge on his own.
4. Art 226 writs are wider than Art 32.
5. An amicus curiae represents one party.
6. Art 50 separates the judiciary from the executive.

C. Very short answer (1 mark each)

1. Under which Article does the SC give advice to the President?
2. Name the Act on removal of judges.
3. What is a court of record?
4. Expand SLP.

D. Short answer (2 marks each)

1. Distinguish between Arts 32 and 226.
2. Explain the roles of the AG and the Advocate General.
3. What is locus standi and how did PIL change it?
4. What did L. Chandra Kumar decide?

E. Short answer (3 marks each)

1. Explain the procedure for removal of an SC judge.
2. Explain three safeguards of judicial independence.

F. Long answer (5 marks)

1. Explain judicial review with the basic structure doctrine and PIL.

G. HOTS

1. Why should judges' salaries not be voted by the legislature?

Case study: A newspaper reports bonded labour in quarries. A retired teacher writes a letter to the CJI; the Court treats it as a petition and orders an inquiry.
(i) Name this kind of litigation. (ii) What rule did the Court relax? (iii) Name the jurisdiction where letters become petitions. (iv) Which role of the SC does this show? [4]

20 MCQs

1. The SC's original jurisdiction is under Article:
   (A) 136 (B) 32 (C) 131 (D) 143
2. Advisory jurisdiction is under Article:
   (A) 143 (B) 131 (C) 226 (D) 50
3. Special leave to appeal is under Article:
   (A) 129 (B) 133 (C) 134 (D) 136
4. The SC as a court of record is under Article:
   (A) 215 (B) 129 (C) 124 (D) 137
5. HC writ power is under Article:
   (A) 32 (B) 226 (C) 227 (D) 214
6. HC superintendence over lower courts is under Article:
   (A) 217 (B) 226 (C) 215 (D) 227
7. SC judges retire at:
   (A) 65 (B) 62 (C) 60 (D) 70
8. The oldest High Court is:
   (A) Allahabad (B) Delhi (C) Calcutta (D) Madras only
9. The first Attorney General was:
   (A) Ram Jethmalani (B) K. K. Venugopal (C) Soli Sorabjee (D) M. C. Setalvad
10. The Attorney General is appointed under Article:
    (A) 165 (B) 76 (C) 124 (D) 217
11. HC judges are appointed under Article:
    (A) 76 (B) 124 (C) 217 (D) 323A
12. The SC collegium has the CJI and:
    (A) four senior-most judges (B) two (C) all judges (D) the Law Minister
13. A removal motion in Lok Sabha needs signatures of:
    (A) 50 (B) 100 members (C) 250 (D) 10
14. The inquiry committee for removal has:
    (A) one (B) five (C) three members (D) seven
15. Administrative tribunals are under Article:
    (A) 50 (B) 323B (C) 226 (D) 323A
16. Tribunals were introduced by the:
    (A) 42nd Amendment (B) 44th (C) 73rd (D) 101st
17. The basic structure doctrine was laid down in:
    (A) Kesavananda Bharati (B) Maneka Gandhi (C) Golaknath (D) Minerva Mills only
18. In PIL the court relaxes:
    (A) court fees only (B) evidence law (C) limitation (D) locus standi
19. A "friend of the court" is the:
    (A) public prosecutor (B) amicus curiae (C) attorney (D) registrar
20. Separation of judiciary from executive is in Article:
    (A) 21 (B) 39A (C) 50 (D) 14

1 (C) · 2 (A) · 3 (D) · 4 (B) · 5 (B) · 6 (D) · 7 (A) · 8 (C) · 9 (D) · 10 (B) · 11 (C) · 12 (A) · 13 (B) · 14 (C) · 15 (D) · 16 (A) · 17 (A) · 18 (D) · 19 (B) · 20 (C)

Assertion–Reason (6)

(A) Both true, R explains A. (B) Both true, R does not explain A. (C) A true, R false. (D) A false, R true.

1. A: Judges' salaries cannot be reduced by Parliament at will. R: They are charged on the Consolidated Fund of India.
2. A: The SC can punish for its contempt. R: The SC is a court of record.

3. A: Appeals from High Courts lie to the CAT. R: Tribunals are subject to HC writ jurisdiction.
4. A: Parliament can amend the basic structure. R: Parliament can amend any part of the Constitution without destroying its basic structure.
5. A: PIL helps the poor reach courts. R: Any public-spirited person can file on their behalf.
6. A: India has an integrated judiciary. R: The AG is appointed under Article 76.

Key: 1 (A) · 2 (A) · 3 (D) · 4 (D) · 5 (A) · 6 (B)

Answers to the practice set

A. 1. 34 2. M. C. Setalvad 3. 62 4. 32 5. 42nd 6. Kesavananda Bharati

B. 1. T 2. F 3. F 4. T 5. F 6. T

C. 1. Art 143 2. Judges (Inquiry) Act, 1968 3. a court whose records are evidence and which can punish contempt 4. Special Leave Petition

D. 1. Art 32: SC, only Fundamental Rights, itself a FR; Art 226: HC, FR and other legal rights, discretionary 2. AG (Art 76) advises the Union and appears for it; Advocate General (Art 165) does so for a State 3. the right to bring a case; PIL allows public-spirited persons to file for others 4. tribunal decisions are subject to HC writ review; appeals from the CAT go to an HC Division Bench

E. 1. notice of motion (100 LS / 50 RS) → 3-member inquiry committee → report → address by special majority in both Houses → President's order 2. tenure, salaries charged, no post-retirement practice (also removal process, contempt)

F. meaning and basis (Arts 13, 32, 226); basic structure (Kesavananda); federal balance (Art 246); PIL and sentinel role

G. so that the legislature cannot pressure judges by cutting pay; it keeps them independent

Case. (i) PIL (ii) locus standi (iii) epistolary jurisdiction (iv) sentinel qui vive, guardian of rights

Last-night summary

- Integrated judiciary: SC (34 judges) → 25 HCs (Calcutta oldest) → district civil and criminal courts. Officers: AG (Art 76; first M. C. Setalvad), SG, Advocate General (Art 165), public prosecutors, amicus curiae.
- SC: original 131, writ 32, appellate 132–134, SLP 136, advisory 143, record 129, review 137. HC: writs 226, superintendence 227, record 215.
- Independence: tenure (65/62), salaries charged, no practice after retirement, stringent removal, contempt, Art 50.
- Appointment: SC collegium (CJI + 4) → Law Minister → PM → President; HC Art 217 (CJI, Governor, HC CJ). Removal: notice → committee → report → President's order.
- Tribunals: 42nd Amendment, Arts 323A, 323B; L. Chandra Kumar. Judicial review: Arts 13, 32, 226; basic structure (Kesavananda); PIL (locus standi, letters, suo motu); sentinel qui vive.