

Teacher's Guide

Working of Institutions

Part 4

Based on NCERT Curriculum for Standard IX



JANAAGRAHA CENTRE FOR CITIZENSHIP & DEMOCRACY

Janaagraha's initiative to improve citizen engagement in India's democracy through their civic learning program

Developed in collaboration with Young Leaders for Active Citizenship (YLAC)



Working of Institutions | Teacher's Guide (4/4) Part 4

Class IX

Board – CBSE

Subject – Social Science

Textbook – Democratic Politics-I for class IX (NCERT)

Chapter 5 – Working of Institutions

Number of parts – 04

Length – 60-75 minutes (estimated, for a class of 40-45 students)

Note: Teachers may divide the lesson plan into as many periods as they see fit

Section I – What are we going to learn and why is it important

Learning objectives

Students will:

- Understand the role of Independent Judiciary in a Democratic Government

Learning outcomes

Students will be able to:

- Understand the balance of power in a democracy by learning the role of Independent Judiciary

Key Terms

Judiciary	Public Interest Litigation	Judicial Review
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Materials needed

Print outs of Handout

Word Wall (from previous class)



Section II – How are we going to learn?

1. Opening Discussion

Activity: Think-Pair-Share

Time: 15 minutes

Material Needed: Word Wall

Note to the Teacher

The class will do a recap of their learning from previous lesson with the help of the word wall and quick round of questions. Students will then move on to the objectives of the class.

Facilitation notes:

Class Prep: Ensure that the word wall is put up where it can be accessed or seen by all students.

Recap

- In the last class, we learnt about the Executive head of our country. We can see all the key words here on our word wall. Using this, let's do a quick recap of everything we learnt. I will go around asking questions and I want you to raise your hand and share the answer:
 - A. Who is the head of the Government?
(Likely Response: Prime Minister)
 - B. What are the two types of Executives?
(Likely Response: Permanent Executives and Political Executives)
 - C. What is the other name for a Parliamentary Democracy?
(Likely Response: Cabinet Form of Democracy)
 - D. What are some of the powers of a Prime Minister?
(Likely Response: The Prime minister is the Chief Executive Head. He presides over all Cabinet Meetings. He decides the Foreign Policy of the Country)

E. Who is the Head of the State?

(Likely Response: The President)

F. What is the one key difference between the Parliamentary form of Democracy and the Presidential form of Democracy?

(Likely Response: In the Parliamentary form of Democracy the head of the state is the President and the head of the Government is the Prime Minister, while in Presidential Form of Democracy, the President is both the Head of the State and the Head of the Government.)

- Sum up student's learning so far, "Until now, we have learnt, there is an institution which makes the law i.e. the Legislature, and then there is another branch which executes these laws- the executive branch, is there another important function that remains?"

(Likely Response: Function of Judiciary.)

NOTE: If students are unable to answer this, ask more guiding questions: What will happen when there are conflicts? Who ensures laws are followed? Who administers justice?

- "You are right, the third most important institution is the Judiciary and we will learn more about it. Before we begin, let's review a case study- In 1990, an office memorandum was issued which said 27% of vacancies in Civil Post and services will be reserved for SEBC or Socially and Educationally Backward classes. It led to protests around the country- many supported this move and thought it will bring equality in opportunity and many were against it. Who do you think resolved this dispute?

(Likely Response: Judiciary or Supreme Court)

- Now, I want you to turn to your partner and discuss the following questions:

- a. What major function does the Judiciary play?
- b. Who comprises the Judiciary?

Discuss these questions and note down the responses in your notebook, we will then discuss this with the whole class."

- During the time of the discussion, the teacher should move around the class, listening and guiding the students.
- After students have discussed these questions, ask the same to the class and take few responses:

What major function does the Judiciary play?

(Likely Response: It resolves conflicts and administer justice. It ensures laws are implemented and followed.)

Who comprises the Judiciary?

(Likely Response: All the courts in the country)

- After the discussion with students, say let’s find out more about Judiciary by reading a Handout.

2. Judiciary

Activity: Discussion

Time: 40 minutes

Material:

Handout 1

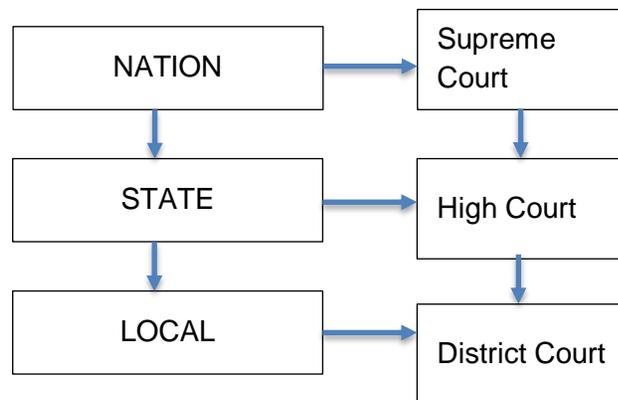
PIL Case Handout

Note to the Teacher:

In this section, students will understand the role and function of Judiciary in the form of a discussion and then fill a table.

Facilitation Notes:

- Begin by explaining the term Judiciary- “All the courts at different levels in a country put together are called the judiciary. The Indian judiciary consists of a Supreme Court for the entire nation, High Courts in the states, District Courts and the courts at local level.”
- Teachers can also draw a flow chart in the following manner:



- Share with students, that Indian Judiciary is considered as an Independent and Integrated Judiciary.
- Distribute the Handout 1 with students. Say, we will read this handout and find the reason why we say so.
- Allot 5 minutes for the students to read the handout.

India has an integrated judiciary. It means the Supreme Court controls the judicial administration in the country. Its decisions are binding on all other courts of the country. It can take up any dispute

- Between citizens of the country;
- Between citizens and government;
- Between two or more state governments; and
- Between governments at the union and the state level.

The judges of the Supreme Court and the High Courts are appointed by the President on the advice of the Prime Minister and in consultation with the Chief Justice of the Supreme Court.

In practice, it now means that the senior judges of the Supreme Court select the new judges of the Supreme Court and the High Courts. There is very little scope for interference by the political executive. The senior most judge of the Supreme Court is usually appointed the Chief Justice. Once a person is appointed as judge of the Supreme Court or the High Court, it is nearly impossible to remove him or her from that position. It is as difficult as removing the President of India. A judge can be removed only by an impeachment motion, passed separately by two-thirds members of the two Houses of the Parliament.

The Supreme Court and the High Courts have the power to interpret the Constitution of the country. They can declare invalid any law of the legislature or the actions of the executive, whether at the Union level or at the state level, if they find such a law or action is against the Constitution.

Thus, they can determine the Constitutional validity of any legislation or action of the executive in the country, when it is challenged before them. This is known as the judicial review.

Anyone can approach the courts if public interest is hurt by the actions of government. This is called public interest litigation. The courts intervene to prevent the misuse of the government's power to make decisions. They check malpractices on the part of public officials.

- Say, there are two important things that stand out from this handout: First, it says that Indian Judiciary is INTEGRATED. Can someone share what that means?

(Likely Response: The decision of Supreme Court is binding to all the courts in the country)

- Ask, “Let’s try to unpack a little more on what Integrated Judiciary means? Let’s go back to the Office Memorandum for 27% reservation for SEBC. In this case, many cases were filed that appealed to the courts to declare the order invalid and stop its implementation. The Supreme Court of India bunched all these cases together. This case was known as the ‘Indira Sawhney and others Vs Union of India case’. The Supreme Court declared this order of the Government valid but also asked the government to modify its original order.”
- “Do you think this shows the Judiciary was independent? Why or why not?”
- Let students respond, take their opinions and then share, “The Judiciary was independent, because it could have given a verdict against the government order, instead it reviewed the order, upheld it and asked the government to modify it.”
- Teachers can also talk about a recent case- Supreme Court’s ruling on air pollution in Delhi. Following article can be shared with students:

Article: CNG Verdict : A legal debate

Link: <https://www.downtoearth.org.in/coverage/cng-verdict-a-legal-debate-14525>

- Share with students, “In this case, the Supreme Court took steps banishing diesel buses off the streets of Delhi to protect the right to live in a healthy and clean environment.”
- “Now we will fill in a table which will help us review the independence of Judiciary on the basis of 3 things: Appointments of Judges, Removal of Judges and the Power of Judiciary.”

	Appointment of Judges	Removal of Judges	Power of Judiciary
Points that support the Independence of Judiciary			

- Use the following guiding questions to have a discussion and fill in the Handout. Students will fill in the handout alongside the teacher after the discussion.

Guiding Questions

a. Who appoints the Judges of Supreme Court and High Court?

(Likely Response: The judges of the Supreme Court and the High Courts are appointed by the President, on the advice of the Prime Minister and in consultation with the Chief Justice of the Supreme Court.)

b. Is appointment of Judges subject to political influence?

(Likely Response: No, there is very little scope for political interference. The senior judges of the Supreme Court recommend the new judges.)

c. How can judges be removed?

(Likely Response: Only when an Impeachment motion is passed, separately, by two- third of the members of the two Houses of the Parliament.)

d. What powers does the Judiciary have?

(Likely Response: The power to interpret the Constitution of our Country. They also have the power to determine the constitutional validity of any legislation or action of the executive of the country.)

	Appointment of Judges	Removal of Judges	Power of Judiciary
Points that Support Independence of Judiciary	<ul style="list-style-type: none"> - The judges of the Supreme Court and the High Courts are appointed by the President on the advice of the Prime Minister and in consultation with the Chief Justice of the Supreme Court - Very little political interference in the appointment of Judges 	<ul style="list-style-type: none"> - Can only be removed when an Impeachment motion is passed separately by two-third of the members of the two Houses of the Parliament 	<ul style="list-style-type: none"> - The power to interpret the Constitution of our Country - They also have the power to determine the constitutional validity of any legislation or action of the executive of the country

- So now we can see why we say the Judiciary of India is independent.
- There are two more important terms that came in the reading: Judicial Review and the PIL or Public Interest Litigation.

- Ask, students “What does Judicial Review mean? Go back to the Handout and find what it says.” *(Likely Response: The court can pass a judgement on the constitutional validity of any law or Executive Action.)*
- What do you think this means? Take 2 minutes and talk to your partners and then we’ll discuss it.
- Let students respond to this and then share with students, “Supreme Court acts as a guardian and protector of fundamental rights of all citizens. And so, it can exercise the power of determining the constitutional validity of all laws. It has the power to reject any law or any of its part which is found to be unconstitutional. This power of the Supreme Court is called the Judicial Review power. State High Courts also exercise this power but their judgements can be rejected or modified or upheld by the Supreme Court.”
- At this point, teacher can share the recent example of decriminalising of Section 377 by Supreme Court in 2018. Earlier the judgement of decriminalisation was passed by the High Court, which was reversed by Supreme Court in 2013. In 2018, it commenced hearings on the fresh writs and summons challenging decriminalisation of Section 377. In a landmark judgement, Section 377 was decriminalised.
(Read more about the decriminalisation of Section 377 [here](#).)
- Now, the last key term, Public Interest Litigation. What does this mean? *(Likely Response: The court can give judgements and directives to protect Public Interest.)*
- Sum it up for students, “This means that, anyone can approach the government if the Public Interest is hurt by the actions of the Government.”
- Say, “To understand PIL in detail we are going to do an activity.”

How to do the activity:

- Divide students in groups of four or five
- Each group will get 1 PIL case out of the 4 given below. Two groups can get the same PIL case.
- Allot 10 minutes for the same.
- Students have to find out the following:
 - a. What is the Public Interest in each case?
 - b. What is the court’s role?

<p><i>Vishaka v. State of Rajasthan</i></p> <p>As part of a governmental campaign against child marriage, Bhanwari Devi attempted to stop the marriage of a one-year-old girl in rural Rajasthan. Members of the local community retaliated first by harassing Bhanwari Devi</p>	<p><i>Javed v. State of Haryana</i></p> <p>A writ petition was filed by disqualified candidates in the Supreme Court challenging the constitutionality of an election law that disqualified persons having more than two living children after a certain date from holding</p>
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<p>with threats and imposing a socio-economic boycott on her family. Then, on September 22, 1992, five men raped Bhanwari Devi.</p> <p>Bhanwari Devi faced numerous obstacles when she attempted to seek justice. Frustrated by the criminal justice system’s inability to provide tangible remedies and restore the dignity of the victim, Naina Kapur, a lawyer who had attended Bhanwari Devi’s criminal trial, decided to initiate a PIL action in the Supreme Court to challenge sexual harassment in the workplace. The Vishaka writ petition was filed in 1992 in the names of five NGOs against the State of Rajasthan, its Women & Child Welfare Department, its Department of Social Welfare, and the Union of India. The Vishaka judgment recognized sexual harassment as “a clear violation” of the fundamental constitutional rights of equality, non-discrimination, life, and liberty, as well as the right to carry out any occupation. The guidelines, directed toward employers, included a definition of sexual harassment, a list of steps for harassment prevention, and a description of complaint procedures to be “strictly observed in all workplaces for the preservation and enforcement of the right to gender equality.”</p> <p>It promoted greater enforcement of women’s rights and broader application of international law at the High Court level. The case has thus been described as “path-breaking”, “one of the most powerful legacies” of PIL, and a “trendsetter” that “created a revolution”.</p>	<p>certain public offices in the Panchayat, a local government system, of the state of Haryana. The objective of these disqualification provisions was to “popularize” the family planning programs of the government. The Javed Litigants challenged that these disqualification provisions violated the right to equality before the law guaranteed by the Indian Constitution.</p> <p>Upholding the Haryana Provision as “salutary and in the public interest”, the Court’s main emphasis was on “the problem of population explosion as a national and global issue” at the expense of protecting human rights. The Court described the provision as “well-defined”, “founded on intelligible differentia”, and based on a clear objective to popularize family planning.</p>
<p><i>M.C. Mehta v. Union of India</i></p> <p>The judgement delivered on January 12, 1988 lashed out at civic authorities for allowing untreated sewage from Kanpur’s tanneries to make its way into the Ganges.</p> <p>The court passed three landmark judgments and a number of Orders against polluting industries, numbering more than 50,000 in the Ganga basin, from</p>	<p><i>Parmanand Katara v. Union of India</i></p> <p>Parmanand Katara, a human rights activist, filed a writ petition in the Supreme Court. His basis was a newspaper report concerning the death of a scooterist after an accident with a speeding car. Doctors refused to attend to him. They directed him to another hospital around 20 km away that could handle medico-legal cases. Based on the petition, the Supreme Court held that:</p>

time to time. In this case, apart from industries, more than 250 towns and cities also had to set up sewage treatment plants.

600 tanneries operated in a highly congested residential area of Kolkata. The ruling shifted them out of the city and relocated them to a planned leather complex in West Bengal. The Court closed down several industries, allowing them to reopen only after setting up effluent treatment plants and controlled pollution. As a result, millions of people escaped air and water pollution in the Ganga basin, covering eight states in India.

- Preservation of human life is of paramount importance.
- Every doctor, at a government hospital or otherwise, has the professional obligation to extend his/her services to protect life.
- There should be no doubt that the effort to save the person should receive top priority. This applies not only to the legal profession, but also to the police and other citizens part of the matter.

Article: 5 PIL cases every Indian Citizen is grateful for by The Better India

Link: <https://www.thebetterindia.com/104204/5-pil-cases-every-indian-citizen-grateful/>

Debrief of the Activity:

- Now we'll go through each case and ask two main questions: What was the public interest? And the role that the court played?
- Teacher should ask this about each PIL and discuss the same with the class.
- Following are the likely responses as per the case:

a. Vishakha Vs. State of Rajasthan

Public Interest: Women Rights in a Workplace

Role of the Court: The court recognized sexual harassment as "a clear violation" of the fundamental constitutional rights of equality, non-discrimination, life, and liberty, as well as the right to carry out any occupation.

b. Javed Vs. State of Haryana

Public Interest: Population Control

Role of the Court: Upheld the Haryana Provision of 2 children norm in relation to the global problem of population

c. MC Mehta Vs. Union of India

Public Interest: Pollution of the Ganges

Role of the Court: Passed three judgements and a number of orders against the polluting industries

d. Parmanand Katara v. Union of India

Public Interest: Human Life

Role of the Court: Ruled that preservation of human life is of paramount importance and every doctor of a government hospital or otherwise have a professional obligation to extend his/her services to protect life.

- After the debrief, ask students, so how important now do you think PIL's are? And why?
- Students should be able to respond, "They are really Important because they are important tools of social change."
- Let's now note down the 4 Key Terms around Judiciary we have learnt about. Write the words- Independent Judiciary, Integrated Judiciary, Judicial Review and Public Interest Litigation- on the World wall.

3. Group Activity

Activity: Whose function is it?

Time: 10 minutes

Material: Chits

Note to the Teacher:

In this section, students will apply their understanding of different branches of the Government and sort out their functions.

Facilitation Notes:

- Divide students in Groups of 4.
- Distribute the following functions chits to each group:

Decision on allocation of money for developing infrastructure like roads, irrigation etc. and different welfare activities for the citizens	Considers the recommendation of a Committee on a law to regulate the stock exchange
Decides on a legal dispute between two state governments	Implements the decision to provide relief for the victims of an earthquake.

Choose the ministers for the Cabinet	Gives assent to the bill passed by both the Houses
Interpret Constitutional validity of existing laws	Elects the Member of Lok Sabha
Chairs Cabinet Meetings	International Treaties and Agreements are signed in his name
Can file a Public Interest Litigation	Can overrule Judgements passed by the High Court

- Students will have to divide the above functions in these heads: Parliament, Supreme Court, Prime Minister, Citizens, President, Cabinet, Permanent Executive
- Allot 5 minutes for the groups to do the activity.
- After 5 minutes discuss each function and ask groups on random to share, “Whose function is it?”
- Discuss each statement with students before sharing the correct response.
- Use the following questions:
 - a. Which institution plays this role?
 - b. Is this an executive function, the legislative function or a judicial function?
- Following are the correct responses:

Decision on allocation of money for developing infrastructure like roads, irrigation etc. and different welfare activities for the citizens- Cabinet	Considers the recommendation of a Committee on a law to regulate the stock exchange- The Parliament
Decides on a legal dispute between two state governments- Supreme Court	Implements the decision to provide relief for the victims of an earthquake. – Permanent Executive
Choose the ministers for the Cabinet – Prime Minister	Gives assent to the bill passed by both the Houses - President
Interpret Constitutional Validity of existing Laws- Supreme Court	Elects the Member of Lok Sabha - Citizens
Chairs Cabinet Meetings- Prime Minister	International Treaties and Agreements are signed in his name- President
Can file a Public Interest Litigation - Citizens	Can overrule Judgements passed by the High Court – Supreme Court

- At the end of the discussion, share with students, “All of these institutions with different roles and responsibilities come together and ensure smooth functioning of a democracy.”



Section III –Assessment

Activity: Pop Quiz

Time: 5 minutes

Note to the Teacher

The assessment will test student’s understanding of Judiciary branch of the Government.

Facilitation notes:

- For the assessment, do a Pop Quiz. Divide students in 4 teams and ask the following questions:

Pop Quiz

- Who can interpret the Constitution of India?
(Supreme Court and the High Court)
- Who appoints the Judges of the Supreme Court?
(President from the advice of Prime Minister and consulting the Chief Justice of India)
- Who controls the Judicial Administration in the country?
(The Supreme Court)
- Who can settle a dispute between two State Government?
(The Supreme Court or the High Court)
- What does it mean to have an Integrated Judiciary?
(The decision of Supreme Court is binding to all the other courts in the country.)
- What is PIL?
(Public Interest Litigation)

Section IV – Closure

Time: 5 minutes

Recap by Students

- Refer to the Word Wall and do a recap of all the key terms through the Lesson- “Judiciary, Independent Judiciary, Integrated Judiciary, PIL, Judicial Review”

Recap by Teacher

Key Points:

1. India has an Independent and Integrated Judiciary.
2. The decision of Supreme Court is binding on all the courts in India.
3. Anyone can approach the courts if public interest is hurt by the actions of government. This is called public interest litigation.
4. The Supreme Court and the High Court have the power to interpret the constitutional validity of any law.

Section V- Homework

- Follow the news of a major High Court or Supreme Court case. What was the case about? What was the original verdict? Did the High Court or Supreme Court change it? Why?
- Find out the process of filing a PIL – Public Interest Litigation.

Section VI – Additional Resources

Resources for teachers

1. Article: Public Interest Litigation
Link: [Legal Service India](#)
2. Case: MC Mehta Vs Union of India
Link: [Global Health Rights](#)

Resources for students

1. Video: India The Judiciary

Link: [Indian Judiciary](#)

Appendix

Handout.1

Indian Judiciary

India has an integrated judiciary. It means the Supreme Court controls the judicial administration in the country. Its decisions are binding on all other courts of the country. It can take up any dispute

- Between citizens of the country;
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Thus they can determine the Constitutional validity of any legislation or action of the executive in the country, when it is challenged before them. This is known as the judicial review. Anyone can approach the courts if public interest is hurt by the actions of government. This is called public interest litigation. The courts intervene to prevent the misuse of the government's power to make decisions. They check malpractices on the part of public officials.

Appointment of Judges	Removal of Judges	Power of Judiciary

PIL Cases

<p><i>Vishaka v. State of Rajasthan</i></p> <p>As part of a governmental campaign against child marriage, Bhanwari Devi attempted to stop the marriage of a one-year-old girl in rural Rajasthan. Members of the local community retaliated first by harassing Bhanwari Devi with threats and imposing a socio-economic boycott on her family. Then, on September 22, 1992, five men raped Bhanwari Devi.</p> <p>Bhanwari Devi faced numerous obstacles when she attempted to seek justice. Frustrated by the criminal justice system’s inability to provide tangible remedies and restore the dignity of the victim, Naina Kapur, a lawyer who had attended Bhanwari Devi’s criminal trial, decided to initiate a PIL action in the Supreme Court to challenge sexual harassment in the workplace. The Vishaka writ petition was filed in 1992 in the names of five NGOs against the State of Rajasthan, its Women & Child Welfare Department, its Department of Social Welfare, and the Union of India. The Vishaka judgment recognized sexual harassment as “a clear violation” of the fundamental constitutional rights of equality, non-discrimination, life, and liberty, as well as the right to carry out any occupation. The guidelines, directed toward employers, included a definition of sexual harassment, a list of steps for harassment prevention, and a description of complaint procedures to be “strictly observed in all workplaces for the preservation and enforcement of the right to gender equality.”</p> <p>It promoted greater enforcement of women’s rights and broader application of international law at the High Court level. The case has thus been</p>	<p><i>Javed v. State of Haryana</i></p> <p>A writ petition was filed by disqualified candidates in the Supreme Court challenging the constitutionality of an election law that disqualified persons having more than two living children after a certain date from holding certain public offices in the Panchayat, a local government system, of the state of Haryana. The objective of these disqualification provisions was to “popularize” the family planning programs of the government. The Javed Litigants challenged that these disqualification provisions violated the right to equality before the law guaranteed by the Indian Constitution.</p> <p>Upholding the Haryana Provision as “salutary and in the public interest”, the Court’s main emphasis was on “the problem of population explosion as a national and global issue” at the expense of protecting human rights. The Court described the provision as “well-defined”, “founded on intelligible differentia”, and based on a clear objective to popularize family planning.</p>
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<p>described as “path-breaking”, “one of the most powerful legacies” of PIL, and a “trendsetter” that “created a revolution”.</p>	
<p><i>M.C. Mehta v. Union of India</i></p> <p>The judgement delivered on January 12, 1988 lashed out at civic authorities for allowing untreated sewage from Kanpur’s tanneries to make its way into the Ganges.</p> <p>The court passed three landmark judgments and a number of Orders against polluting industries, numbering more than 50,000 in the Ganga basin, from time to time. In this case, apart from industries, more than 250 towns and cities also had to set up sewage treatment plants.</p> <p>600 tanneries operated in a highly congested residential area of Kolkata. The ruling shifted them out of the city and relocated them to a planned leather complex in West Bengal. The Court closed down several industries, allowing them to reopen only after setting up effluent treatment plants and controlled pollution. As a result, millions of people escaped air and water pollution in the Ganga basin, covering eight states in India.</p>	<p><i>Parmanand Katara v. Union of India</i></p> <p>Parmanand Katara, a human rights activist, filed a writ petition in the Supreme Court. His basis was a newspaper report concerning the death of a scooterist after an accident with a speeding car. Doctors refused to attend to him. They directed him to another hospital around 20 km. away that could handle medico-legal cases. Based on the petition, the Supreme Court held that:</p> <ul style="list-style-type: none"> ○ Preservation of human life is of paramount importance. ○ Every doctor, at a government hospital or otherwise, has the professional obligation to extend his/her services to protect life. ○ There should be no doubt that the effort to save the person should receive top priority. This applies not only to the legal profession, but also to the police and other citizens part of the matter.

Handout.2 (Chits for the Group Activity)

Decision on allocation of money for developing infrastructure like roads, irrigation etc. and different welfare activities for the citizens	Considers the recommendation of a Committee on a law to regulate the stock exchange
Decides on a legal dispute between two state governments	Implements the decision to provide relief for the victims of an earthquake.
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