

Q. 3 Read the following passage carefully and answer the questions that follow.

(20)

1 The role of the courts in society is determined not only by the judges' perception of their function but also, and perhaps to a greater extent, by the expectations of the public, the executive and the legislature of the courts. Often there is a gap between the judge's perception and others' expectations. Indeed, there is a division of opinion among the judges on the concept of judicial function and there are differences in others' expectations of the nature of the judicial role. Furthermore, the judicial self-perceptions of their role and others' expectations of the courts are swayed by changing conditions and conceptions. Hence the role of the courts in society is not static, but constantly changing and dynamic. Its scope and boundaries are not determined by the judiciary alone but by other political and social institutions, as well, in a continuous process.

3 Some of the public criticisms have been instigated by controversial cases in which the judgments of the courts and comments made by judges were out of tune with popular feelings or were insensitive to certain segments of the public. These cases are often charged with emotional, ideological, social or political elements, which always transform a routine legal matter into a controversial case which lies in the eye of a public storm and turns an ordinary case into a household word.

But criticism of judges does not take place only as a result of certain judicial rulings and statements. Judges have often been generally criticized for a host of blames, vices, failures and negative attributes. Usually the academic and professional critics of the courts phrase their criticism in restrained terms. The judiciary, they say, has been timid, unimaginative, not active, not creative, orthodox, conventional, or conservative in its law-making functions and that it has over-practiced judicial self-restraint. Sometimes they go further and bestow upon a judge the title of "socially reactionary" or "the high priest of rigid stare decisis and the limited role for the judiciary," both titles conferred on Viscount Simonds.

Questions:

Q1. What factors determine the role of the courts in society?

Q2. How do changing conditions and conceptions influence the role of the courts?

Q3. What are some reasons the public might criticize the judiciary, according to the text?

Q4 - How do academic and professional critics typically describe the judiciary, and what title have they bestowed upon judges?

Q1 : what factors determine the role of the courts in society ?

ANS : The role of the courts in society is determined not only by judges' perception of their function but also by the expectations of the public, the executive and the legislature of the courts.

Q2 : How do changing conditions and conceptions influence the role of the courts ?

ANS : There is division of opinion among the judges on the concept of judicial function and there are difference in other's expectations of the nature of judicial role. Furthermore, the judicial self-perceptions of their role and other's expectation of the court are swayed by changing conditions and conceptions. Hence the role of courts in society is not static, but constantly changing.

Q3 : what are some reasons the public might criticize the judiciary, according to text ?

ANS : Some of the public criticisms have been instigated by controversial case in which

the judgments of the courts and comment made by judges were out of tune. These cases are often charge with emotional, social or political element which always ~~to~~ transform a routine legal matter into a controversial case.

Q 4 : How do academic and professional critics typically describe the judiciary, and what titles have they bestowed upon judges?

Ans : The academic and professional critics of the court phrase their criticisms in restrained terms. They say the judiciary has been timid, not active, not creative etc. Sometimes they bestowed upon judges and give a title of "socially reactionary" or "the high priest of rigid stare decisis and the limited role for the judiciary".