

J. What is judicial Activism ? What are the problems related with it ? Give your suggestions to check the judiciary overreach ?

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Judicial Activism

- The concept of judicial activism originated and developed in the USA ✓
- It denotes the proactive role played by the judiciary in the protection of the rights of citizens and in the promotion of justice in the society ✓
- It implies the role played by judiciary to force the other two organ of government (legislature & executive) to discharge their constitutional duties ✓
- Concept of judicial activism is closely related to PIL, i.e. PIL is the most popular form of judicial activism ✓
- Reference to the review power of SC - Article 32 & H.C - Article 226. ✓

Problems related to Judicial Activism

J. It is a matter of concern that over the years the original character of the judicial activism in PIL has been converted into general supervisory jurisdiction ✓

2. Inefficient use of limited judicial resources, which also overburden judiciary. PIL cases are filled more and more which waste time and energy of courts. ✓

3. Symbolic justice: sometimes judiciary is not able to render proper judgement, they often just give mere guidelines. ✓

4. Disturbing the constitutional balance of power:- judiciary should respect the balance between three tier of democracy, it is seen there is no self restraint & it encroaches on legislation & executive ✓

~~5. PIL original was meant to expand the usefulness of for public~~

5. PIL which stand for Public Interest Litigation has slowly converted into "Private". People take advantage of PIL for personal matter more. ✓

Suggestion to check judicial overreach

→ the role of judges should be limited, their job is merely to say what the law is. ✓

→ Relaxation of must be procedural - most of the misapplication, nonimportant PIL should be avoided on the basis of that PIL is in interest of public matter & fundamental rights ✓

3. Judicial activism should not be treated same as PIL.

4. There should be verification of the applicant filling PIL, if he is authentic or a man in disguise, to

Judicial activism is not an easy concept to define. but it is an effective tool for upholding citizens rights & implementing constitutional principles

Excellent!