

MPPSC MAINS

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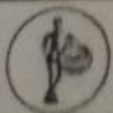
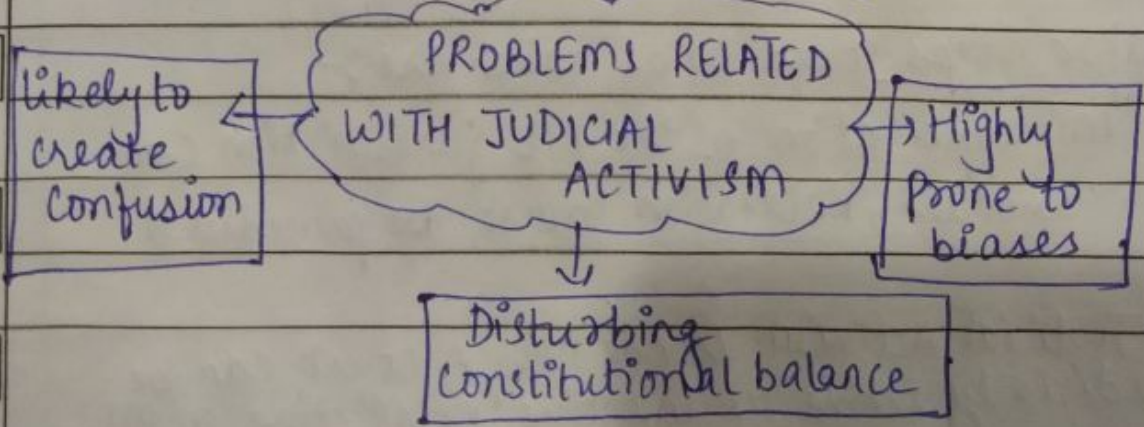
Q. 1 What is Judicial Activism? What are the problems related with it? Give your suggestions to check the Judicial overreach. [225 W]

A. 1 Judicial activism is when the judiciary upholds the rights of the citizens and preserve the constitutional and legal system of the country. Here, the judiciary plays an active role to dispense social justice.

↳ There are provisions in the constitution for the Judiciary to adopt a proactive role.

↳ Article 32 of Indian Constitution provides the power of Judicial review to Supreme Court and Article 226 to High Court particularly in Public Interest litigation.

Interferes with Independence of the legislature



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* PROBLEMS RELATED WITH JUDICIAL ACTIVISM

↳ Judicial activism can harm the public at large as the judgment may be influenced by personal or selfish motives.

↳ Repeated Interventions of courts can diminish the faith of the people in the integrity, quality, and efficiency of the government.

↳ In a way, Judicial activism is likely to create confusion as it limits the functioning of the government.

* SUGGESTIONS TO CHECK JUDICIAL OVERREACH

• When Judicial activism crosses its limits and becomes Judicial adventurism it is known as Judicial Overreach.

Major Steps need to be taken are:-

↳ Misapplication of the PIL jurisdiction can be avoided, Relaxation must be procedural.

↳ Judicial Activism is not PIL. A court can be judicially active or inactive irrespective of PIL.

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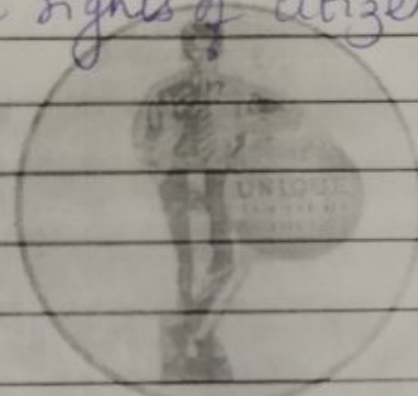
↳ Judges should verify the credentials of the applicants. Courts must ensure that

the applicant is a public spirited person to fight for deprived classes.

CONCLUSION

Thus, Judicial activism can be good if the intention of the Court is to protect and

preserve the rights of citizens.

BHOPAL

Established 1824