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### Competitive Exams: Judicial Activism

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It connotes the assertive role played by the Judiciary to force the other organs of the State to discharge their duties, assigned to them by the Constitution, towards the public. Judicial Activism, in essence, has been forced upon the Judiciary by an insensitive and unresponsive administration that disregards the interests of the people. It is a phenomenon that has been made popular by the Supreme Court in recent times, to ensure that the administration of the country does not suffer because of the negligence on the part of the Executive and the Legislature. The power of Judicial Activism has emanated from the power of the judicial review of the Constitution.

However, Judicial Activism is a welcome phenomenon only in the short-run. If it is carried out for long, it may destroy the concept of the separation of the powers between the Judiciary assuming greater powers from the executive and the legislature without proper checks and balances. The Judiciary should, therefore, employ self-restraint and should evolve a code of ethics for the Judges while indulging in Judicial Activism and should use it only as a last resort.

### Need for Restraint on Judicial Activism

1. The critics argue that the Supreme Court is blurring the constitutional demarcation of Art. 32 and Art. 226 by hearing the cases and the passing the verdicts on the cases other than those involving breach of Fundamental Rights.
2. The then Chief Justice of the Supreme Court, J S Verma, himself expressed concern over the 'monitoring' exercise being performed by the Patna High Court Bench in the fodder scam case. Important to note is the order of August 29, 1997 by the bench when it even appeared questioning the Union Government's right to institute an inquiry into the circumstances under which the Army's help was sought to arrest Mr. Laloo Prasad Yadav, the then Chief Minister of Bihar.
3. The Supreme Court indirectly and gently reminded the Delhi High Court of the inappropriateness of its decision to entertain the petition challenging Mr. R C Sharma's appointment as the CBI's director by the Centre, after Mr. Joginder Singh.
4. members of a political party, who espouse radical ideas and criticize reactionary policies of the party.

