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Judicial Overreach → A criticism of Judicial Activism

In the cases of Judicial Activism, Judiciary has called upon the executive to perform its obligation under the constitutional mandate. It will be against the scheme & philosophy of the constitution if the judiciary oversteps & interfere in the mandate of executive & legislature. According to Justice J.S. Verma, "The judiciary should only compel performance of duty by the designated authority in the case of inaction or failure, while a take over by the judiciary of the functions allotted to another branch is inappropriate. Judicial Activism should neither be adhocism or judicial tyranny."

In 2007, several judges of eminence called for restraint or curtailment & asked the court to

adhere the ~~the~~ principle of
Separation of Power. Judges must
have modesty & honesty & should not
behave like Emperors. Unjustifiably
trying to perform executive &
legislative function & trespassing their
authority would disturb the balance
of power between 3 organs of the
govt. Subsequently, conscious
minimisation of judicial assertiveness
is a demand of time otherwise
the judicial activism could change
into judicial despotism.

Local government

73rd Constitutional Amendment Act, 1992

[Committees before the 73rd Act; → cover from
Kaxmikant]

It becomes operationalised on 24th April, 1993
by which a new chapter — Chapter IX —
the panchayats had been added in
the constitution & a new schedule i.e.
Schedule ~~XI~~ XI having 29 ~~functional~~
items was incorporated to the constitution
Apart from this several set of
articles starting from Article 243 — 2430
were incorporated ~~where~~ to regulate
the structure, functioning & authority
of PRIs.

[Article 243] → Definition

According to this Article Gram Sabha
means a body consisting of persons
registered in the electoral rolls
relating to a village

Intermediate level means ^{a level} specified by Governor

Panchayat means an institution of self-govt.

Village means a village specified by Governor.

Article 243 A → Gram Sabha

This article provides that Gram Sabha may exercise such powers & performs such functions which are specified by State legislature.

Article 243 B → Constitution of Panchayats

It is required for every state to establish 3 levels of Panchayats

i.e. Gram Panchayat

Intermediate "

Zila Parishad.

However, States having population of less than 20 lakh may not create Intermediate Panchayats.

Article 243 C → Composition of Panchayats

- Every member at each level of Panchayats shall be elected directly by the people & for this purpose the whole Panchayat area is divided into territorial constituencies (Wards).
- Chairperson of Gram Panchayats shall be elected in the same manner which State legislature by law determines, while chairpersons of Intermediate & Zila Parishad are elected by & amongst the members of the concerned panchayats.
- State legislature by law can provide representation to the chairman of Gram Panchayat at intermediate level & chairman of intermediate Panchayat at Zila Parishad level.
- State legislature by law can also provide representation to with the power to vote to MPs, MLAs & MLCS

at the intermediate level & upper level.

It means the actual embodiment of Direct Democracy is gram Panchayat in which there is not external representation.

Article 243 D →