

Judicial Activism

PRESENTED BY: SHAILESH JAYPRAKASH SINGH

GUIDED BY: PROF. SANTOSH A THAKUR

ROLL NO: LLB20350

SUBJECT: ENVIRONMENTAL LAW

CONTACT NO.: 9699 742 111

EMAIL: shailesh.singh5@hotmail.com



**BHARAT RATNA DR. BABASAHEB AMBEDKAR
LAW COLLEGE**

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Definition

The Black's Law Dictionary defines judicial activism as “judicial philosophy which motivates judges to depart from the traditional precedents in favour of progressive and new social policies.”

Need

Democracy

When Legislative machinery fails to update the laws at the desired speed, and government machinery fails to discharge its functions, to uphold the values of the democracy,

Faith

To uphold the faith of the people in the judiciary.

Protection

There is a clash between statutory laws and fundamental rights, the judiciary has to step in to protect the fundamental rights of the citizens.

Significance

Effective tool for upholding citizens' rights

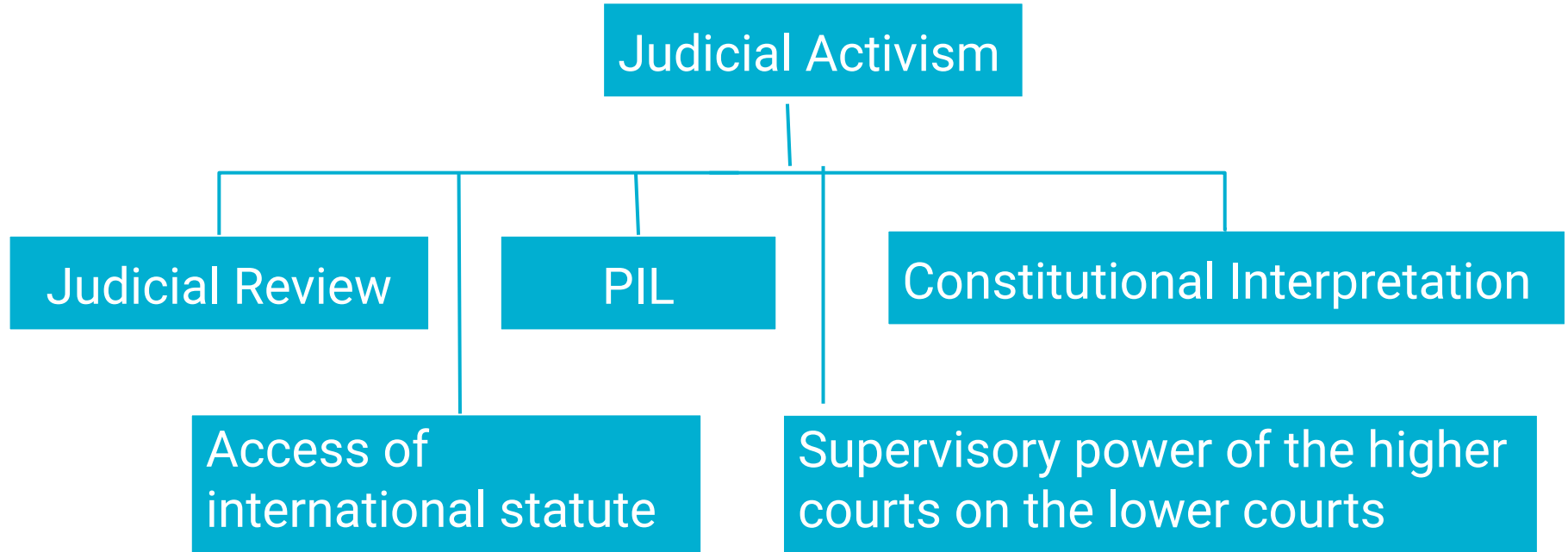
The guardian and protector of the Indian Constitution

Provisions to the judiciary to adopt a proactive role

Made the judicial process more participatory and democratic

Counters the opinion that the judiciary is a mere spectator

Methods



Advantages

It creates an equilibrium in different government departments.

It enhances people's faith in the judiciary.

Where the law fails to meet the expectations, judicial activism comes into play.

Judicial activism helps judicial mechanism to prevent hasty misuse of power by the state machinery.

Aids in speedy justice

Disadvantages

The judgements delivered via judicial activism mode sets a basic rule for other judgements.

Recurring review of judgements can result in a loss of faith in the judiciary.

State and Central machinery functioning become limited with judicial activism.

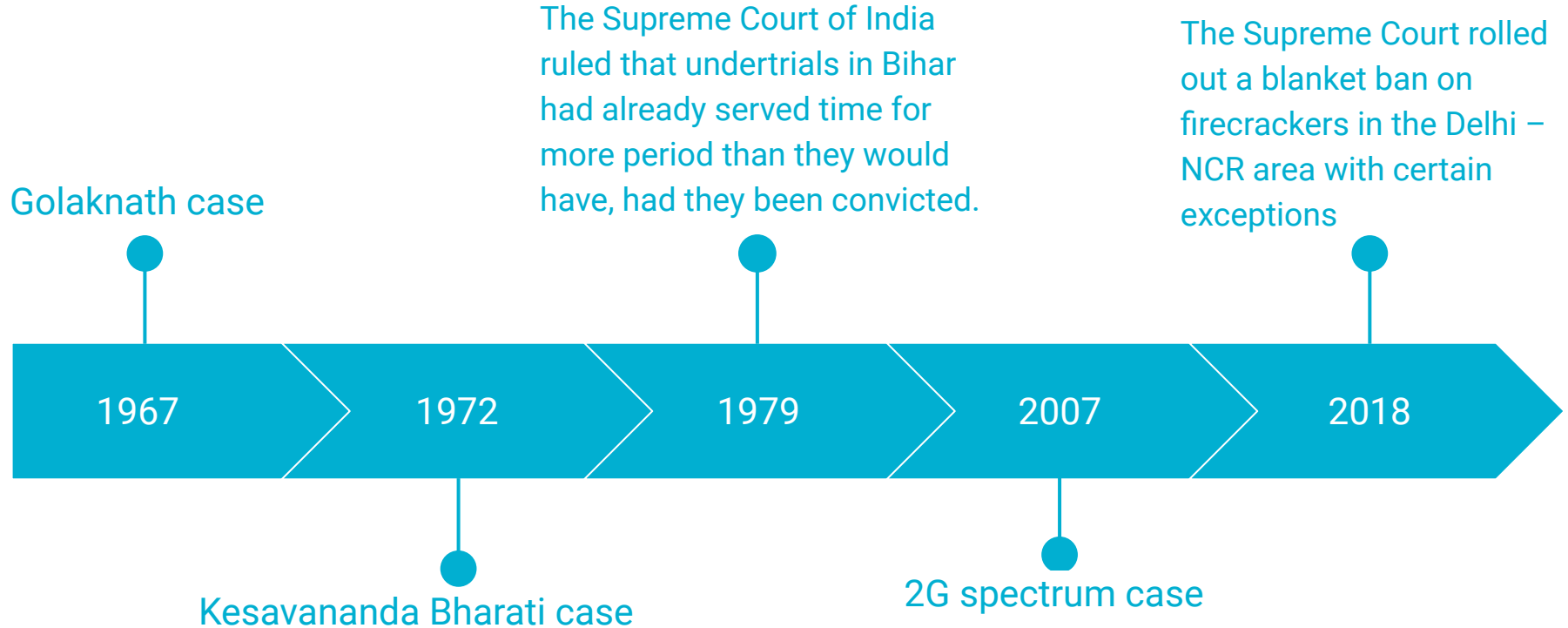
Statutory and legislative laws are violated.

Decisions or orders can be influenced for personal gains.

Opinion & Importance

Legal experts cite judicial activism as more democratic. Our country is a democratic country. Law is for society. When a situation arises such that judicial activism is not followed, the judicial system becomes a mere looker, and the purpose of law will not get solved. Hence, judicial activism with discipline must be followed to save society from getting prejudiced and create a perfect balance. If discipline is not maintained and the judges will keep on making laws, our democracy will be crippled.

Example Case Laws



thank you