

ABSTRACT

SCOPE OF JUDICIAL POWERS: JUDICIAL ACTIVISM

*** PARANTAK YADAV¹**

The judiciary has come to be recognized as an independent and separate organ of the Government under the Government of India Act, 1935 and subsequently under the Constitution of India. Way back in 1893, Justice Mahmood of the Allahabad High Court delivered a dissenting judgment which sowed the seed for judicial activism in India.

Supreme Court of India has certain constitutional limitations, but for many times it has gone beyond its traditional role.

From Sakal Newspaper to till now, the active role of the judiciary cannot be forgotten. Especially in Maneka Gandhi case where Article 21 of the constitution was expanded to such a level that it become a boon for the individual. Hon'ble Court has taken stands for protection of human rights, fundamental rights as well as for animals and environment. These have been various cases where either there were no laws to deal with the situation or the interpretation of law was required.

However, there are still some areas where reforms are required for the efficient working of judicial activism. Just like the United States Supreme Court, the Indian Supreme Court also expands its limits from constitution to other fields. The Indian Supreme Court should also decide cases on the basis of its own philosophy.

The paper tries to discuss the activist tendencies of Judiciary, it is necessary to analyze the reasons, and growth of judicial activism in India. It contends that judicial activism has done justice but judiciary has to take care of sanctity of the Constitution. Various leading cases have been discussed for this purpose.

¹ Student ,1st Year LL.B (Hons) Integrated, Faculty of Law, University of Lucknow