

Assignment

Q: What is Judicial Activism?
What are its implications and how it curtails

start with the introduction of the question.

Ans: → Judicial Activism

There are two aspects of judicial Review. If judges repeatedly give their personal opinion over legislature set to be exercising judicial review. Secondly, when judges make an active role for ensuring fundamental rights of public superceding executive duties.

→ Judicial Activism History

The term judicial activism was first used by "Arthur Schlesinger" in Fortune Magazine in "Constitution of 1947". In article Constitution of 1947, Arthur discussed temperament of the four judges while writing that they were worked above the domain.

Historical International
Event of Judicial Review
"Marbury vs Madison Case (1803)"

H. was Sukh: a legal development in the history of judicial system that made precedents for the judicial review.

* Judicial Review In Pakistan
Mulvi Tameezudin Case in Pakistan set the precedent for the judicial review. After that there are number of cases where Supreme Court of Pakistan has used its "Original Jurisdiction". Including Darshan Masih Vs State case, privatization case, missing person, rape cases are the major reasons for the judicial review.

* vast use of Supreme Court Jurisdiction Powers leads to "Judicial Activism" In Pakistan.

Judicial activism in Pakistan is often associated with the period of Supreme Court Chief Justice Ch. Ejaz Iftikhar who frequently used the powers of Art 184 which shaped judicial review into

Judicial activism (

) . It's biggest evidence is the formation of human rights cell because of a large numbers of cases.

→ Why Judicial Activism?
i) for the sake of public interests

The Supreme Court use its jurisdiction powers for the matter of public interests when there is a violation of fundamental rights of people which are enlisted in the constitution from Article 2-28.

ii) To Ensure Rule of Law.

In order to maintain supremacy of the constitution Supreme court played a major role.

add relevant examples/references to substantiate your arguments.

iii) Maintain Public Order

Judicial activism can be a manifestation of maintaining public order so that no one can play above the domain.

→ Signs / Manifestations of the Judicial

i) Excessive use of "Suo-motu"

Excessive use of "Suo-motu" is one of the face of judicial activism.

"Suo-motu" term is not written in the constitution while powers of "original jurisdiction" according to Article 184 is vested to Supreme Court of Pakistan only.

ii) Out of precedent use of powers

It is also a kind of manifestation of judicial activism.

→ Implications of Judicial Activism.

i) Increase grievance between public and government. It would badly harm public and government of

State's relationship. As public would definitely found state's role in this problem solving is ineffective. We have an example relevant to this which was "Shehla Zia" case.

ii) It Details Democracy

The constitution of Pakistan has defined the roles of three pillars of the state; for judiciary, executive and the legislature. If the judiciary runs out of its domains and surpasses the executive it would definitely details democratic process of the country.

iii) Delayed Supreme Court Cases

There are about 70,000 plus cases which Supreme Court of Pakistan has to judge every year. If apex courts frequently involved in cases which are under the domain of executive that would waste courts precious time. It would leads to

delays in cases which
are already in Pending.

iv) Social Unrest

These would be social
unrest. As people waited
so long for their cases
and spend lot of money
for fighting their cases
in Supreme Court. It would
create a sense of
hopelessness, deprivation
and ultimately animosity
among the society.

v) Political Chaos

One of the major
implications would be the
"Political Instability". If
Supreme Court intervenes
the democratic system's
executive authority and
put forth its decision
using its original jurisdiction
It would disturb the
democratic system in the
country.

add more references in this part.
also, add references and highlight them.

→ How it curtails?
→ How to put limit
→ Repeal Article 184(3)
It is important to repeal article 184(3) of the constitution and put a limit over the authority of intervening in the executive related issues.

→ Increase government efficiency regarding public matters
Government should thoroughly address the problem of public so that matters concluded short handedly. Instead of involving judiciary.

→ Accountability and Apprehension by the state
State should ensure rule of law in the country on its own. So that matter would solve under its domain
State should make people and institutes accountable for act according to the law so that there would no discrimination left.

→ Availability of fundamental rights at best

It is the responsibility of the state to make it sure that all citizens of the country would be able to enjoy their rights independently.

→ Strong Reforms and Policies for facilitating victim
This thing is very impor

tant to "rebuild public trust on State". people would trust government and also able to understand the reasons for delayed in the process of justice.

All of the above, there is a clear dimension of the distribution of powers among three state organs; Judiciary, executive and legislature in the sacred Constitution of Pakistan. The State pillars have their own domains to work under. For the sake of stability in the country, there is a responsibility on these

three distinctive parts of
the government to cooperate
with each other and
maintain harmony.

good structure, presentation, arguments and length.

end the answer with conclusion.

keep practicing for improvement.

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