

## Judicial Activism In India

Judicial Activism in India-Satyaranjan Purushottam Sathe 2002 This Book Is An Examination Of Judicial Review And Its Role In Democracy, With Special Reference To India.

Judicial Activism in Post-Emergency Era-Dr. Swapna Deka Mandrinath 2015-01-09 "Since the day the Constitution of India came into force, Judicial Activism has existed in different forms under the Constitution. Judicial Activism initiated by the higher judiciary in India has started serious debates on the Court’s undefined power to place substantive as well as procedural limits on the executive as well as the legislature. The Court’s new role to make law and give directions has been criticised as the usurpation of powers that belong to the other two organs. The Court has been defending its new role to uphold the constitutional values of protecting the human rights of the people thereby upholding the principle of Rule of Law. Through this book, Dr. Deka Swapna Manindranath analyses the legitimacy of Judicial Activism in India as well as the intrusions made by the judiciary in the name of Judicial Activism. The author argues that Judicial Activism under the Constitution has been inevitable in view of the socio-economic and political conditions of the nation as well as due to the laxity of performance on the part of the other two organs. This book will be of interest to the research scholars and students of Indian Constitutional law and Political Science, judges, lawyers and general readers interested in knowing about the phenomenon of Judicial Activism in India."

Judicial Activism in a Comparative Perspective-Fabian Schusser 2019-01-29 This study investigates the phenomenon of judicial activism from a comparative perspective by examining the highest constitutional courts in India and Germany: the Supreme Court and the Bundesverfassungsgericht (Federal Constitutional Court) respectively. In addition to answering the question of what role these courts play in their countries’ political institutional set-ups, the study explains to what extent they can be classed as powerful. Historical neo-institutionalism forms the study’s theoretical basis, which it deploys in endeavouring to understand the courts’ development and in identifying critical junctures in their histories.

Judicial Activism in India-B. S. Tyagi 2000

Need for Judicial Activism-Dr. Moreshwar Kothawade

Judicial Activism in India-Gundreddy Bala Krishna Reddy 2013

Judicial Review and Judicial Activism-K. L. Bhatia 1997-01-01

Judicial Activism and Social Change-K. L. Bhatia 1990

Judicial Activism and Constitutional Democracy in India-Tehmtan R. Andhyarujina 1992

Judicial Activism in India-Nilanjana Jain 2013

Judicial Activism in Bangladesh-Ridwanul Hoque 2011-01-18 This book critically examines the evolving global trend of judicial activism with particular reference to Bangladesh. It constructs judicial activism as a golden-mean adjudicative technology, standing between excessive judicial assertion and unacceptable judicial passivity that may leave injustices un-redressed. It argues that judicial balancing between over-activism and meek administration of justice should essentially be predicated upon domestic conditions, and the needs and fundamental public values of the judges’ respective society. Providing cross-jurisdictional empirical evidence, the study demonstrates that judicial activism, steered towards improving justice and grounded in one’s societal specificities, can be exercised in a morally and legally legitimate form and without rupturing the balance of powers among the state organs. This study has sought to displace the myth of judicial activism as constitutional transgression by “unelected” judges, arguing that judicial activism is quite different from excessivism. It is argued and shown that a particular judge or judiciary turns out to be activist when other public functionaries avoid or breach their constitutional responsibilities and thus generate injustice and inequality. The study treats judicial activism as the conscientious exposition of constitutional norms and enforcement of public duties of those in positions of power. The study assesses whether Bangladeshi judges have been striking the correct balance between over-activism and injudicious passivity. Broadly, the present book reveals judicial under-activism in Bangladesh and offers insights into causes for this. It is argued that the existing milieu of socio-political injustices and over-balance of constitutional powers in Bangladesh calls for increased judicial intervention and guidance, of course in a balanced and pragmatic manner, which is critical for good governance and social justice. “Writing about judicial activism easily gets shackled by fussy and pedestrian debates about what judges may or may not do as unelected agents of governance. The book . . . goes much beyond such reductionist pedestrianisation of law, for it courageously lifts the debate into the skies of global legal realism. The analysis perceptively addresses bottlenecks of justice, identifying shackles and mental blocks in our own minds against activating concerns for justice for the common citizen.” —Prof Werner Menski (Foreword) Dimensions of Judicial Activism in India-Vandana 2016

Indian Judiciary and Politics-B. D. Dua 2007 Few will deny that the post-emergency higher judiciary in India has earned widespread public acclaim for its innovative and creative jurisprudence notwithstanding the argument advanced by some critics that it has exercised excessive jurisdiction, transgressing at times the executive and legislative domains, contrary to the original ‘checks and balances’ design of the Constitution. While the issue of judicial restraint in the context of constitutional separation of powers deserves serious attention, the fact of the matter is that juristocracy invariably triumphs when the elected representatives in a democracy cannot be trusted to provide good and lawful governance. From this perspective, the unprecedented judicialisation of politics and the growth of judicial activism in India seems to be an organic response to pressures within the political system itself. The contributors to the volume are well-known scholars, lawyers, and academics. They reflect on the itinerary of higher judiciary and its contributions to constitutional law and public good contextualised for the developmental path of the political system since the commencement of the Republic in 1950. The papers cover a variety of topics – judicial activism, judiciary and ecology, secularism, parliamentary institutions, central executive, new economy, and judicial reforms – that focus primarily, though not exclusively, on the ramifications of judicial activism for Indian politics.

Food Security & Judicial Activism in India- 2007

Judicial Activism in India-Lokendra Malik 2013 Le site d'éditeur indique : "Justice V.R. Krishna Iyer is an eminent Judge, profound legal scholar, a bold innovator, a powerful spokesman for social justice and above all a close and intimate friend of mine. Ordinarily friendships are formed when one is young and friendships, then formed, last a whole life time and it is not often that at an advanced age one comes across a person with whom one becomes close and friendly. Justice Krishna Iyer is one such rare person with whom I became emotionally attached no sooner I met him forty years ago. I remember it was in the year 1972 when Justice Krishna Iyer came to Gujarat in his capacity as a member of the law Commission of India that I happened to meet him for the first time. We soon found that we shared common ideology and common aspirations for social justice. A brief talk with him was sufficient to convince me that there was a remarkably unusual person who was a crusader for social justice and who was deeply involved with the misery and suffering of the poor and the downtrodden and who was prepared to wage a relentless war against exploitation and injustice. "

Judicial Activism in India-Sunil Khosla 2008-01-01

Reservation Policy and Judicial Activism-P. V. Vijayan 2006 The book attempts to introduce the subject by defining reservation and tracing the circumstances leading to legal, constitutional recognition of protective discrimination. Concepts like equality and justice are examined in the socio-political context. It also traces the origin and development of reservation policy in India and offers valuable suggestions for formulating policies regarding the steps to be taken for maintaining social balance. The book is a valuable addition to literature of social policy.

Supreme Court-J. P. Bansal 1985

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Crisis in Indian Judiciary-Bathula Venkateswara Rao 2001 Critical view and certain remedial measures.

Constitutional Law and Judicial Activism-Bhagat Ram Sharma 1990

Judicial Activism in India-Seema Sharma (Lecturer in political science) 2014

Constitution, Fundamental Rights and Judicial Activism in India-Ravi Prakash 1997

Judicial Activism and Lokpal-Subhash C. Kashyap 1997 Contributed articles.

Changing Face of the Law-Riddhi Dasgupta 2006-02-01 Changing Face of the Law: A Global Perspective is a powerful account that urges legal systems across the world to work cooperatively and to reach out to other disciplines.

A New Direction for Institutional Reform in India-Poorvi Chitalkar 2010-01

Judicial Activism & Environmental Pollution in India-Ashish Singhal 2012-03-01 The protection of environment presents a most fundamental challenge to the nation's desire to industrialize faster and to be capable of fulfilling certain basic needs of the growing population. During development process a huge damage has been caused to the environment because it has resulted into the pollution like deforestation, air and water pollution, etc. Indian government has passed many legislations foe environmental protection e.g. Environment (Protection) Act, 1986, etc. But the fact is that no law or authority can succeed in removing the pollution until the people cooperate. The role of judiciary in controlling the pollution and conservation can be duly acknowledged. This book defines about the meaning, sources and effect of environmental pollution, national policy and its implementation on environmental law, constitutional provisions, fundamental rights and environmental pollution, judicial adjudication on environmental pollution. This book will be useful for environmentalists, lawyers, policy makers, students etc.

Judicial Activism and the Environment in India-Pranay Lal 1999

Law of Public Interest Litigation in India and Other Countries-Chitranshri Negi 2020-10-06 It is a matter of great pleasure for me to present this book "Law of Public Interest Litigation in India & Other Countries" to Common People of India who have interest in Judicial Activism (PIL). The fundamental objective of Public Interest Litigation is to give to the common people access to the courts to obtain legal redress and maintaining the Rule of law and accelerating the balance between law and justice for social-change. The Book "Law of Public Interest Litigation in India & other countries" offers the Concept and History of Public Interest Litigation. The Procedure of Public Interest Litigation filing before Courts. Landmark Cases of Public Interest Litigation (PIL) Activism for social Justice. The Book shares Public Interest Litigation (PIL) in USA, UK and other counties with landmark cases and also gives introduction of Public Interest Litigation in Australia, Canada, South Africa, Japan and France. The Book covers important key issues and topics of Public Interest Litigation Cases in India: Unlawful Arrest and Detention, Child Labour and Basic Education, Gender Justice, Health Care (medical aid to preserve life), Protection of Fundamental Rights, Property Rights of women, Animal Rights and Protection, Access to Information etc. The Book further describe the role of Eminent Public Interest Litigation Activists Lawyers and Judges in India. This Book is useful for Lawyers, Law Students, Young Advocates, Social Activists, RTI Activist and General Public.

Indian Judicial System-S. P. Verma 2004 Contains 25 Papers And Two Documents Which Book At Various Aspects Of Indian Judicial System At All Levels-Judicial Activism-Appointment Of Judges-Independence Of Judiciary-Rule Of Law Etc.

Public Interest Litigation and Judicial Activism in Uganda-Christopher Mbazira 2009

Judicial Activism and Reservations- 1999

Judicial Systems of the Third World-Kishan Khanna 2002-11-01 Put this truly magical story on your "must read" list. Join Pee Wee Mulligan & friends in travel adventures. In story and rhyme, you'll skip across time. Only six inches tall, Pee Wee has been gifted with a unique form of travel. Pee Wee and his friends outsmart troublesome characters. See the world through Pee Wee's eyes! Have a bit of fun and enjoy past history as Pee Wee Mulligan and friends experience a truly magical adventure. Originally, Pee Wee was a character created by the author to entertain the rambunctious kids while Mom and Dad dined at an exclusive Catskill Mountain resort. Once the kids told their parents about Pee Wee, Pee Wee was enchanting both the children and adults daily. Based on the author's award winning cartoon script (part fantasy and part history), Pee Wee Mulligan has enchanted children and adults alike. Parents and young readers will have fun reading this tale to a still younger audience. Grade school educators will want to place the book on their library shelves.

The Variable Power of Courts-Manoj S. Mate 2010 This dissertation analyzed the extraordinary expansion of the power of the Supreme Court of India from 1967 to 2007, through close study of the Court’s politically significant decisions in the areas of fundamental rights and governance. During this period, the justices of the Supreme Court India shifted toward greater activism in constitutional interpretation, and toward heightened, albeit selective, assertiveness, and greater authority, in challenging the exercise of Central Government power. Referencing existing public law theories, this study sought to provide an explanatory account of this shift by analyzing both the motives that drove judicial activism and assertiveness and the opportunity structure for judicial power. The interaction of these two factors are examined through close analysis of the Court’s decision-making in politically significant rights and governance decisions, through field interviews with retired judges, legal scholars and other experts on the Court, and through analysis of news editorial coverage of these decisions. To understand the expansion of the power of the Indian Court, this study looks both within the Court, highlighting the sources of the judges’ institutional values and policy worldviews, and outside the Court to understand how the broader political, and professional and intellectual elite environment, both shaped and constrained the assertiveness and authority of the Court. I argue that the Court’s shift toward activism, selective assertiveness, and greater authority in rights can most adequately be explained by the thesis of “elite institutionalism.” According to the thesis of elite institutionalism, the unique institutional environment and intellectual atmosphere of the Court shapes the institutional perspectives and policy worldviews that drove activism and selective assertiveness in rights and governance decisions. I found that the identity of judges as members of the Supreme Court and judicial branch, and their professional alignment with the Court as an institution was a source of the judges’ values and motivations in key decisions. Indeed, much of the Court’s activism and assertiveness was driven by the judges’ desire to protect constitutionalism and fundamental rights and the Court’s role in protecting both, and later, a drive in the post-Emergency era to build popular support to bolster the Court’s legitimacy. This is in line with “historical new institutionalist” scholarship (e.g. Gillman 1993) that suggests that judges may be motivated by a unique “institutional misson” that flows from their membership and identification with the judicial branch (see Gillman 1993; Keck 2008). Elite institutionalism, however, differs from existing institutionalist theories by situating judicial decision-making within the larger intellectual milieu and context of Indian judging. I argued in this study that judges’ institutional mission or outlook/identity is a subset or part of a judges’ overall intellectual identity and worldviews, which judges tend to share with professional and intellectual elites in India. The Indian judiciary—the judges of the Indian Supreme Court and High Courts—reflect the broader ethos of professional and intellectual elite opinion nationally. I contend that the justices of the Court were part of, and influenced by broader elite “meta-regimes”—The collective values or currents of professional and intellectual elite opinion on a set of constitutional or political issues. In the pre-Emergency period, the Court’s basic structure doctrine decisions were shaped and influenced by the meta-regime of “constitutionalism.” In the area of fundamental rights, shifts in the Court’s activism and selective assertiveness in fundamental rights cases in the post-Emergency era (1977-2007) reflected a broader shift from influence of the meta-regime of “liberal democracy” to that of “liberal reform. In the area of governance, I suggest that broader shifts in the Court’s activism and selective assertiveness reflected a shift from the meta-regime of social justice, to liberal reform. The study also illustrates how the thesis of elite institutionalism helps complement and broaden the strategic model of the political opportunity structure. In the post-Emergency era, and in particular, in the post-1990 period, the Court’s authority was bolstered by stronger levels of intellectual and professional elite opinion, and national public support. This was because political regimes in the post-1990 era perceived that the Court had higher levels of public support vis-à-vis the Executive and Parliament (as illustrated by elite news coverage of the Court’s decisions, and news coverage of public reactions and debate within Parliament and among ministers in the Executive branch). Political regimes in this era were reluctant to attack or resist the Court’s assertive judicial decisions in rights and governance cases, because of public support for the Court’s relative effectiveness in ameliorating governance failures. The Court’s strong level of authority, then, was not only a result of the weakening of political institutions at the Central Government level. In addition, the Court’s authority has been bolstered by the elite media and leaders of the Indian Bar who have played a crucial role in framing and shaping public perception of the Court’s activist and assertive decisions. Media elites, and other governance constituencies such as the Bar, policy groups, court-appointed commissions, and opposition parties in the Central Government, have continued to play a crucial role as a powerful ally and advocate for the Court’s activism and selective assertiveness in fundamental rights decisions. This is reflected in the strong levels of support in national newspapers’ editorial coverage of most of the Court’s assertive and deferential decisions in the post-1990 period. The national news media, the Bar, and opposition political parties have thus emerged as “watchdogs” (see Vanberg 2001; Staton 2002) that enable other elites, and the national public to monitor the Central Government’s compliance with the Court’s decisions in the area of fundamental rights. The thesis of elite institutionalism illustrates how the media and legal elites, and governance constituencies, can help constrain political actors and bolster the authority of courts, by closely scrutinizing government policies for compliance with the rule of law and constitutional norms.

Justice, Judocracy and Democracy in India-Sudhanshu Ranjan 2014-03-21 This book offers an innovative approach to studying ‘judicial activism’ in the Indian context in tracing its history and relevance since 1773. While discussing the varying roles of the judiciary, it delineates the boundaries of different organs of the State — judiciary, executive and legislature — and highlights the points where these boundaries have been breached, especially through judicial interventions in parliamentary affairs and their role in governance and policy. Including a fascinating range of sources such as legal cases, books, newspapers, periodicals, lectures, historical texts and records, the author presents the complex sides of the arguments persuasively, and contributes to new ways of understanding the functioning of the judiciary in India. This paperback edition, with a new Afterword, updates the debates around the raging questions facing the Indian judiciary. It will be of great interest to students and scholars of law, political science and history, as well as legal practitioners and the general reader.

Pratiyogita Darpan- 2008-11 Pratiyogita Darpan (monthly magazine) is India’s largest read General Knowledge and Current Affairs Magazine. Pratiyogita Darpan (English monthly magazine) is known for quality content on General Knowledge and Current Affairs. Topics ranging from national and international news/ issues, personality development, interviews of examination toppers, articles/ write-up on topics like career, economy, history, public administration, geography, polity, social, environment, scientific, legal etc, solved papers of various examinations, Essay and debate contest, Quiz and knowledge testing features are covered every month in this magazine.

THE CONSTITUTION OF INDIA A Politico-Legal Study-J. C. Johari 2007

Judicial Accountability-Kalraj Mishra 2013-01-01 An independent, impartial and authoritative judiciary is an integral part of our judicial system. We require judges who maintain high standards of judicial behaviour to uphold the rule of law and inspire the public confidence in judicial system. This book contains the process of judicial appointments as the same lack transparency. It also analyses various aspects of judicial appointment and impeachment process for removal of corrupt and inefficient judges in view of outcome of impeachment proceedings against Justice Ramaswamy. The writer has suggested for setting up of a Judicial Commission for looking after appointments, transfers and disciplinary proceedings against errant judges. It also contains a review on crime against women and role of different organs in providing justice to common litigants. Pendency of large number of cases and inordinate delay in disposal of cases are cause of concern for every law-knowing person in the country. The growing tendency of judicial activism is most controversial issue and matter of debate. An effort has been made to find the answers of these vital issues. The book will make a unique contribution to the legal literature and prove to be very informative to every law-loving person of our society.

Activism, Accountability, and Justice-James Vadackumchery 2004-01-01 Legal view on judicial activism with reference to India; a study.

Courage, Craft, and Contention-Upendra Baxi 1985

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