

Q) What do you understand by judicial outreach and overreach?

Do you think that higher court by making national task force on health crisis due to COVID using the executive's role?

Justify your views? (150w)

Ans Judiciary is one of the three pillars of the democracy, other 2 being - Legislature & Executive. Judiciary has the responsibility to provide justice to the people and protect their fundamental rights so that they can live in the society without any fear or coercion.

Judicial Activism or Judicial overreach

~~It refers to the use of judicial power to dispense social justice.~~
It means the proactive role played by the judiciary in the protection of rights of the citizens & in the promotion of justice in the society. It is the role played by the judiciary to force the other 2 organs of the govt. (Legislature & Executive) to discharge their constitutional duties.

Example:-

① Proactive role played by SC in Vishaka guidelines to protect the women from sexual harassment at workplace.

② order to ban liquor shops within 500 meter area of the national highway.

③ order to constitute EPCA (Environment Protection & Conservation Authority) to deal with environmental pollution in NCR.

Judicial overreach

When judicial activism crosses its limits & become judicial adventurism, it is known as judicial overreach. It may interfere with the proper functioning of legislature & Executive.

Example -

Misuse its power to punish for contempt of court.
making it mandatory to play National Anthem in the Cinema halls.

Recently, Supreme Court has made a national task force to decide on the reasonable & practical & feasible method to allot & distribute medical oxygen in the wake of COVID surge.

Is it a judicial overreach or judicial outreach?

→ Protector of fundamental rights

Through this step, SC has tried to protect the fundamental right to live and to have a healthy life.

→ Integrated Approach

to provide a comprehensive & holistic approach all over the country rather a disintegrated one. This task force has been constituted.

→ To fill the legislative & Executive vacuum.

So, this step is a judicial outreach to ensure social justice and hence acting as important pillar in maintaining a welfare state, as judiciary has done in cases like Keshavnanda Bharati case, Minesa Mills case etc.