

If the legislature or the executive are not functioning properly, remedy is not in the judiciary taking over the legislative or executive functions



If the legislature or the executive are not functioning properly it is for the people to correct the defects by exercising their franchise properly in the next elections and voting for candidates who [will](#) fulfill their expectations, or by other lawful methods e.g. peaceful demonstrations. The remedy is not in the judiciary taking over the legislative or executive functions, because that will not only violate the delicate balance of power enshrined in the Constitution, but also the judiciary has neither the expertise nor the resources to perform these functions.

The justification often given for judicial [encroachment](#) into the domain of the executive or legislature is that the other two organs are not doing their jobs properly. Even assuming this is so, the same allegation can then be made against the judiciary too because there are cases pending in Courts for half-a-century as pointed out by this Court in **Rajindera Singh v. Prem Mai and Ors.** Civil Appeal No. 1307/2001 decided on 23 August, 2007.

[ARAVALI GOLF CLUB v. CHANDER HASS - 2007 SCeJ 004](#)

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