



International Journal of Research Publication and Reviews

Journal homepage: www.ijrpr.com ISSN 2582-7421

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION Balancing Administrative discretion and Judicial accountability

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ABSTRACT :

The growing role of administrative authorities in modern governance has made effective judicial control increasingly significant. This research explores the effectiveness of judicial review in addressing unlawful and arbitrary administrative action, while examining the boundaries of judicial intervention in matters involving administrative discretion.

It focuses on the development of judicial review in India, its principal grounds, contemporary challenges and the approach adopted by courts in balancing individual rights with administrative autonomy. The research follows doctrinal approach drawing upon constitutional provisions, legislation, judicial decisions and relevant legal literature. The English position is also considered to trace the development of judicial review and its influence on Indian administrative law.

Keywords: Judicial Review, Administrative Action, Administrative Discretion, Judicial Control, Administrative Accountability, Natural Justice, Rule of Law

INTRODUCTION:

In a modern welfare state, administrative authorities perform a various range of functions relating to public welfare, taxation, licensing, education and economic regulation. To perform these functions effectively, they are given certain discretionary powers. However, the misuse or arbitrary exercise of such power can affect the rights and interests of individuals. Therefore, there is a need for an effective mechanism to ensure that administrative authorities act within the limits of law¹.

Judicial review of Administrative action is an important means of controlling the exercise of administrative power. It allows the court to examine whether an administrative authority has acted lawfully, followed lawful procedures, and exercised its discretion reasonably. The purpose of Judicial review is not generally to replace the decision of the administrative authority, but to ensure that the decision-making process is lawful and fair.

In India, judicial review has developed through constitutional provisions and judicial decisions, particularly under article 32 and 226². This research examines the development, grounds, and contemporary issues of Judicial review of administrative action, with particular focus on the balance between **judicial control and administrative discretion**.

STATEMENT OF PROBLEM:

The problem addressed in this study is whether judicial review is able to effectively control arbitrary and unfair administrative action without leading to excessive judicial interference in administrative decision-making. The study also considers whether the existing scope of judicial review is sufficient to protect individuals from misuse of administrative power, while allowing authorities to exercise their legitimate discretion. This raises the need to understand how far courts should intervene and where the boundary should be drawn.

RESEARCH QUESTION:

To what extent can judicial review control administrative action while maintaining balance with administrative discretion.

¹C.K. Takwani, Lectures on Administrative Law, 8th ed, Eastern book company

²Constitution of India, arts 32 and 226

REVIEW OF LITERATURE:

1. **C.K. Takwani**, in *Lectures on Administrative Law*, explains judicial review mainly as a check on the discretionary powers of administrative authorities. The work discusses situations where discretion is misused, exercised for an improper purpose or affected by mala fides. This provides a useful foundation for understanding when administrative decisions can be questioned before the courts.
2. **Dr. D. Umamaheswari**, in *Administrative Law*, discusses the growing importance of administrative authorities in modern governance and the need to keep their powers within legal boundaries. The work also deals with the different forms of administrative action and the methods available for controlling them. This helps in understanding why judicial review remains an important control over administration. For the present research, this provides the broader background needed to examine the role of courts in controlling administrative action.
3. **Justice K. Chandru**, in *Judicial Review of Administrative Action in India*, focuses on the different grounds on which administrative decisions may be challenged. It gives a clear picture of the scope of judicial review in the Indian context. These grounds directly relate to the present research.
4. **Rashika Akhtar and Mohd Rehbar Khan**, in their study *Judicial Review of Administrative Action in India: Safeguarding Fundamental Rights and Ensuring Accountability*, look at judicial review from the perspective of rights and accountability. They emphasize its role in preventing arbitrary administrative action and protecting individuals from misuse of public power.
5. **Melveen Abhishek**, in *Judicial Review of Administrative Action: An Analysis*, examines the relationship between administrative discretion and Article 14 of the Constitution. The study particularly highlights the problem of arbitrary and unreasonable decisions. This directly connects with the research question concerning the extent to which constitutional principles control administrative action.
6. The **Ministry of Personnel, Administrative Reforms and Public Grievances** material on judicial review discusses the constitutional and legal controls placed on administrative action. It explains how courts examine the legality of administrative decisions while generally avoiding interference with the merits of the decision. This distinction is important for the present study because one of its central concerns is understanding the boundary between judicial control and administrative autonomy.

RESEARCH GAP:

Many studies have discussed judicial review of administrative action through its principles, grounds and important case laws. However, there is still a need to look at how effective judicial review is in practice, especially when administrative authorities exercise discretionary powers. The balance between preventing misuse of power and allowing authorities enough freedom to perform their functions also needs greater attention. This study therefore focuses on the effectiveness and limitations of judicial review in controlling administrative discretion in India, while examining the balance between judicial intervention and administrative autonomy.

OBJECTIVES OF THE STUDY:

- To Examine the concept and evolution of judicial review of administrative action.
- To Analyse the principal grounds of judicial review.
- To Examine the relationship between judicial review and administrative discretion.
- To Examine the development of judicial review in England and compare it with the Indian position.
- To Identify contemporary issues such as proportionality, arbitrariness, reasonableness and procedural fairness.
- To Examine the balance between judicial accountability and administrative autonomy.

RESEARCH METHODOLOGY:

The present study follows a **doctrinal research methodology**. It is based on the analysis of existing legal materials relating to judicial review of administrative action. The study relies on secondary sources, including the Constitution of India, statutes, judicial decisions, books, research articles, journals, and other relevant legal materials. Important judgments of the Supreme Court and High Courts are examined to understand the scope, principles, and limitations of judicial review. The study also considers the contemporary issues surrounding judicial review and its role in controlling administrative action while maintaining a balance between judicial intervention and administrative discretion.

SIGNIFICANCE OF THE STUDY:

The study of this research comes from the fact that Administrative authorities today exercise powers that can have a direct impact on the rights and interests of individuals. In such circumstances, judicial review serves as an important safeguard against arbitrary or unlawful administrative action. The study seeks to understand how effectively judicial review controls these powers while maintaining a proper balance between judicial intervention and administrative autonomy.

With the increasing scope and complexity of administrative decision-making, the need for effective judicial control has become more important. The need for this research is particularly relevant today as administrative decisions have become more extensive and can affect people in many areas of their lives. It examines the challenges faced by judicial review in India and considers whether the existing legal framework is able to ensure fairness,

accountability and lawful decision-making. It also seeks to understand how courts can protect individuals from arbitrary administrative action without unnecessarily interfering with legitimate administrative decisions

HYPOTHESIS OF THE STUDY:

The study hypothesizes that judicial review of administrative action serves as an effective mechanism for ensuring fairness, legality, and accountability in administrative decision-making, while the courts' intervention is subject to certain limitations to maintain a balance between judicial control and administrative discretion.

LIMITATIONS OF THE STUDY:

The study is primarily limited to the Indian legal framework relating to judicial review of administrative action. It focuses on the principles, grounds, scope, and limitations of judicial review as developed through constitutional provisions, statutes, and judicial decisions. Since the research is doctrinal in nature, it mainly depends on existing legal sources such as case laws, books, journals, research articles, and other published materials. It does not involve extensive fieldwork or interviews with judges, administrators, or individuals affected by administrative decisions. The study also does not attempt to cover every aspect of administrative law or every instance of administrative action. Its focus remains on understanding how courts control unlawful, unfair, or unreasonable administrative decisions and where judicial intervention must be restrained. Further, administrative law is continuously developing through new judicial interpretations and changes in legal practice, which may influence the position discussed in the study. Nevertheless, these limitations do not affect the study's broader aim of examining the role of judicial review in promoting fairness, legality, and accountability in administrative action.

DOCTRINAL RESEARCH :

Introduction

The functioning of a modern state involves the exercise of considerable administrative power. Administrative authorities make decisions, implement laws, regulate activities and deal with matters that directly affect individuals. While such powers are necessary for effective governance, their exercise cannot be left completely unchecked. An administrative authority may sometimes act beyond its legal powers, follow an improper procedure or make a decision that is unreasonable or arbitrary. This makes judicial control over administrative action an important part of maintaining the rule of law.

Judicial review provides a means through which courts can examine whether administrative authorities have acted within the limits of their legal power. The purpose of judicial review is not to substitute the court's decision for that of the authority, but to ensure that the power has been exercised lawfully and fairly. It therefore creates a balance between allowing administrative authorities the freedom to perform their functions and preventing the misuse or abuse of that power.

In India, the courts have developed the principles of judicial review through constitutional provisions, particularly Articles 32 and 226, as well as through important judicial decisions. The grounds of review have developed to include illegality, irrationality, procedural impropriety, violation of natural justice, mala fides, and abuse of power.

Constitutional framework:

The constitutional framework for judicial review of administrative action in India is founded on the supremacy of the Constitution, the rule of law and the need to prevent arbitrary exercise of public power. Since administrative authorities derive their powers from law, their actions remain subject to constitutional limitations. The Constitution therefore provides courts with various mechanisms to examine whether administrative action conforms to legal and constitutional requirements.

Article 13 forms an important foundation by providing that laws inconsistent with or in derogation of Fundamental Rights are void. Its significance extends to delegated legislation and other forms of administrative action having the force of law, thereby ensuring that subordinate authorities cannot exercise their powers in a manner that violates constitutional rights. **Article 32** empowers the Supreme Court to issue constitutional writs for the enforcement of Fundamental Rights, while **Article 226** gives High Courts an even wider jurisdiction to issue writs not only for Fundamental Rights but also for other legal rights. The availability of these remedies makes judicial review an effective means of controlling administrative excesses at both the central and state levels.

The constitutional control is further supported by **Article 136**, under which the Supreme Court may grant special leave to appeal from decisions of courts and tribunals, enabling it to exercise supervisory jurisdiction in appropriate cases. **Article 142**, by empowering the Supreme Court to pass orders necessary for doing complete justice, also strengthens its constitutional role in addressing situations requiring effective judicial intervention.

The constitutional principles are reaffirmed in the following judicial decisions:

- **Kesavananda bhharathi v. State of kerala**³

The Supreme Court established the **Basic Structure Doctrine**, holding that Parliament's power to amend the Constitution cannot be used to destroy its basic features.

- **Minerva mills Ltd. V. Union of India**⁴

The Court strengthened the principle of judicial review by striking down provisions of the 42nd Amendment that attempted to place constitutional amendments beyond judicial scrutiny and expand Parliament's amending power without limitation

• **L.Chandra kumar v. Union of India**⁵

The Supreme Court in this case held that the power of judicial review exercised by the High Courts under **Articles 226 and 227**, and by the Supreme Court under **Article 32**, is an integral and essential feature of the Constitution. Consequently, decisions of administrative tribunals remain subject to scrutiny by the High Courts.

³ (1973) 4 SCC 225

⁴ (1980) 3 SCC 625

⁵ (1977) 3 SCC 261

Principle grounds for Judicial review

Judicial review acts as a check on the exercise of administrative power. It does not mean that courts take over the functions of administrative authorities or decide every matter according to their own preference. Instead, the court examines whether the authority has acted within its legal powers, followed a fair procedure and reached a decision that can reasonably be justified. Over time, certain grounds have developed to guide this examination. The principal grounds relevant to administrative action are listed below:

1. Jurisdictional Error

Administrative authorities can exercise only those powers that the law gives them. If an authority goes beyond those powers, uses them for a purpose for which they were not granted, or acts without proper jurisdiction, its decision may be questioned before the court.

2. Irrationality

A decision may be challenged when its unreasonableness is so serious that it cannot be regarded as a decision that a reasonable authority would have made.

The court examines the reasonableness of the decision without simply replacing it with its own preferred view.

3. Procedural Impropriety

Fair decision-making requires administrative authorities to comply with the procedure laid down by law and observe the basic requirements of natural justice. A decision may therefore be reviewed where the authority has ignored a required procedure or denied a person a fair opportunity to present their case.

4. Proportionality

Administrative power should not be exercised more harshly than the situation requires. Proportionality therefore looks at whether the action taken is excessive when compared with the purpose it is intended to achieve.

5. Legitimate Expectation

Individuals may develop a reasonable expectation from a public authority's consistent practice, promise or representation. Where the authority suddenly departs from that position without sufficient justification, judicial review may be available to ensure that the expectation has been dealt with fairly.

Development of Judicial Review of Administrative Action in England and Comparative Position in India

Judicial review of administrative action has developed through the continuing effort of courts to maintain a balance between administrative discretion and the rule of law. England played an important role in developing the principles used to control administrative power, particularly through the doctrines of reasonableness, procedural fairness and proportionality. These principles later influenced Indian administrative law, but India gave them a wider constitutional foundation through Fundamental Rights and the powers of judicial review under Articles 32 and 226.

Development through the Wednesbury Principle,

A significant stage in the development of judicial review was the decision in, *Associated Provincial Picture Houses Ltd v. Wednesbury Corporation*⁶. The case concerned a condition imposed by a local authority on a cinema licence, restricting children below a certain age from attending Sunday performances.

The court refused to interfere merely because the condition appeared unreasonable or undesirable. It held that judicial intervention would be justified only where the decision was so unreasonable that no reasonable authority could have arrived at it.

The principle therefore sets a **high standard for judicial intervention**. Courts do not normally ask whether they would have made a better or different decision. Instead, they examine whether the authority acted within its powers and whether the decision was so irrational that it falls outside the range of lawful administrative discretion.

⁶ (1948) 1 KB 223

Position in India:

The Wednesbury principle has been recognised by Indian courts as an important ground of judicial review. In *Union of India v. G. Ganayutham* (1997)⁷, the Supreme Court discussed the principle in the context of administrative punishment and accepted the distinction between ordinary administrative review and situations involving violation of Fundamental Rights.

In India, however, *Wednesbury* cannot be viewed in isolation. Administrative action is also tested against constitutional standards, particularly **Article 14**, which protects against arbitrariness and unequal treatment. Therefore, although courts generally avoid substituting their own decision for that of the authority, an administrative decision that is arbitrary, irrational or legally unreasonable may be struck down.

Doctrine of Proportionality

The doctrine of proportionality approach requires the court to consider whether the objective is sufficiently important, whether the measure is rationally connected to that objective, whether a less restrictive alternative could have been used, and whether a fair balance has been maintained between the individual's rights and the public interest.

The basic idea is that even where an authority has a legitimate purpose, the method adopted should not unnecessarily or excessively interfere with individual rights. The English courts developed this approach particularly in human-rights cases. In *R v. Secretary of State for the Home Department, ex parte Daly (2001)*⁸, the House of Lords treated proportionality as involving a more intensive form of review than traditional *Wednesbury* reasoning. The focus was not simply on whether the decision was absurd, but on whether the interference with the individual's rights was justified and no more extensive than necessary.

Thus, English administrative law gradually moved towards a more structured examination of administrative decisions, particularly where important individual rights were affected.

⁷ (1997) 7 SCC 463

⁸ (2001) 5 AC 532

Proportionality in India

The doctrine of proportionality has also become an important part of Indian judicial review, particularly where administrative action affects Fundamental Rights. Indian courts have used proportionality to examine whether a restriction imposed by the State is excessive in relation to the purpose it seeks to achieve.

The Indian approach is closely connected with Articles 14, 19 and 21. The court may examine whether there is a legitimate objective, whether the measure is suitable for achieving that objective, whether a less restrictive alternative was available and whether the burden imposed on the individual is excessive compared with the public interest involved.

The Supreme Court's decision in *Om Kumar v. Union of India (2000)*⁹ is particularly significant in understanding the relationship between *Wednesbury* and proportionality. The Court explained that *Wednesbury* review continues to have a role in ordinary administrative matters, while proportionality becomes especially relevant when the exercise of power affects Fundamental Rights.

Therefore, India has not simply discarded *Wednesbury* in favour of proportionality. Instead, both principles operate within the Indian system. The nature of the right affected, the purpose of the administrative action and the extent of the restriction help determine the intensity of judicial review.

Changing Approach

The difference between the two principles reflects a broader development in judicial review. *Wednesbury* asks whether the decision is so unreasonable that it falls outside the lawful range of administrative discretion, whereas proportionality asks whether the interference itself is justified and no greater than necessary.

England provided the original foundation for the *Wednesbury* approach, while later developments in English human-rights jurisprudence strengthened proportionality review. India adopted these principles but gave them a distinct constitutional

⁹ (2001) 2 SCC 386

character through Fundamental Rights and the writ jurisdiction of the Supreme Court and High Courts.

The Indian position therefore represents a balance between administrative autonomy and constitutional protection. Courts do not ordinarily substitute their own decisions for those of specialised authorities, but where administrative discretion becomes arbitrary, irrational or disproportionately restrictive, judicial review provides a means of controlling that power.

Remedies of Judicial review:

Judicial review becomes effective when courts can provide remedies against unlawful administrative action. In India, the Supreme Court under **Article 32** and High Courts under **Article 226** can issue writs to protect individual and legal rights. The main remedies are:

1. Habeas Corpus:

Issued to protect a person from unlawful detention. The court can order release when the detention is found illegal.

2. Mandamus:

A court order directing a public authority to perform a legal duty which it has failed or refused to perform.

3. Certiorari:

Issued to quash an unlawful decision or order of a lower court, tribunal or administrative authority, particularly where there is excess of jurisdiction, legal error or violation of natural justice.

4. Prohibition:

A preventive writ issued to stop a lower court or tribunal from continuing proceedings beyond its lawful jurisdiction.

5. Quo Warranto:

Used to question the legal authority of a person holding a public office and remove them if the appointment is contrary to law.

These remedies ensure that administrative authorities remain within their legal limits and provide individuals with an effective means of challenging unlawful administrative action. They therefore strengthen the rule of law and accountability in administration.

Limitations of Judicial Review

Judicial review is an important means of controlling administrative power, but its role has certain inherent limits. The court is primarily concerned with legality and the decision-making process, rather than acting as an appellate authority over administrative decisions.

1. No Substitution of Administrative Decision

Courts cannot replace the decision of an administrative authority merely because they would have reached a different conclusion. Their role is to examine whether the authority acted within its powers and followed lawful standards.

2. Limited Role in Administrative Functions

The responsibility of administering laws belongs to the executive. Courts therefore confine themselves mainly to questions of legality and do not ordinarily perform administrative functions themselves.

3. Respect for Administrative Discretion

An administrative decision may be right or wrong, but where the authority has acted bonafide and within the limits of its power, judicial interference is generally not justified. Judicial review is supervisory rather than appellate in nature.

4. No Interference Without Illegality

The court may examine whether the authority exceeded its powers, committed an error of law, violated natural justice, acted unreasonably or abused its power. However, unless the administrative action is unlawful or unconstitutional, judicial review cannot normally be exercised.

5. Practical Limitations

Judicial review is also criticised for being slow, expensive and time-consuming. It is largely concerned with correcting past administrative errors rather than directly improving future decision-making.

Contemporary Issues in Judicial Review of Administrative Action

The present approach to judicial review raises a few practical concerns about how far courts should go while controlling administrative power. Three important issues are:

1. Judicial Overreach

Courts may sometimes enter areas that are primarily meant for the administration, especially in matters involving policy or specialised decisions. While intervention is necessary against arbitrary action, excessive interference can reduce administrative freedom and efficiency. The real difficulty is deciding where judicial control should end and administrative discretion should begin.

2. Wednesbury or Proportionality?

Indian courts continue to deal with the question of how closely an administrative decision should be examined. *Wednesbury* requires a decision to be seriously unreasonable before the court interferes, while proportionality allows a closer look at whether the restriction is necessary and excessive. Therefore choosing the appropriate standard becomes particularly important when administrative action affects Fundamental Rights.

3. Review of Policy and Technical Decisions

Government tenders, economic policies and technical decisions often involve expertise that courts may not possess. Courts therefore generally show restraint, but they can still intervene when such decisions are arbitrary, mala fide or contrary to law. The challenge is to prevent abuse of power without turning judicial review into a review of administrative merits.

TESTING OF HYPOTHESIS:

The study assumes that judicial review helps ensure that administrative decisions are fair, lawful and responsible. It looks at whether courts can prevent misuse of administrative power without interfering too much in the work of administrative authorities. It also considers whether some limits on court intervention are necessary. The study therefore examines whether a proper balance can be maintained between the courts and the administration.

RESEARCH FINDINGS AND SUGGESTIONS:

The research finds that Judicial review can control unlawful, arbitrary, and procedurally unfair administrative action while respecting the need for policy, technical and expert decisions. The appropriate approach suggested is the **Calibrated review**: courts should generally avoid substituting their views on merits of an administrative decision, but examine the decision more closely when it seriously affects fundamental rights or imposes a disproportionate restriction. This balance is reflected in *Tata Cellular v Union of India*¹⁰. Accordingly, courts should assess the legality, fairness and proportionality of each decision in light of its context, while administrative authorities should give reasons and act within legal and constitutional limits.

¹⁰ (1994) 6 SCC 651

CONCLUSION:

The research shows that judicial review of administrative action is ultimately about finding the right balance between administrative freedom and legal accountability. Administrative authorities need discretion to deal with practical and changing situations, but that discretion cannot extend to arbitrary, unlawful or disproportionate decisions. Judicial review provides the necessary safeguard by keeping the exercise of public power within the boundaries of law.

The comparison with England also shows that, although India has adopted important principles such as Wednesbury unreasonableness and proportionality, they have developed differently within the Indian constitutional framework. Articles 14, 19, 21, 32 and 226 have allowed Indian courts to give greater importance to the protection of individual rights while still exercising restraint in matters better left to the administration.

From the issues examined, it can be concluded that **neither excessive judicial intervention nor complete administrative freedom is desirable**.

The research finds that judicial review can protect individuals from unfair or unlawful administrative action while still respecting the freedom of administrative authorities to perform their functions. Courts generally do not interfere merely because another decision may appear better, but intervene when administrative power is used arbitrarily, beyond legal limits or in a disproportionate manner. The study therefore finds that the limits placed on judicial review are important in maintaining a balance between protecting individuals and allowing effective administration.

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