

Judicial Review of Administrative Actions: An In-depth Analysis of Flaws in Indian Administrative Law

Research Paper by-
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Abstract

This research delves into the flaws within the Indian administrative law's judicial review system pertaining to administrative actions and proposes potential reforms for improvements. Given the intricate bureaucracy and evolving regulatory landscape of the Indian administrative framework, a robust and efficient mechanism for judicial oversight becomes imperative. Delays in adjudication, limited access to justice, inconsistent review standards, and the imperative for heightened transparency and accountability are some of the flaws that have been identified.

The study aims to comprehensively comprehend existing shortcomings through a meticulous analysis of these challenges. Proposed reforms encompass procedural improvements, legislative modifications, and judicial interventions. Evaluation is conducted to ascertain the viability of specialized administrative tribunals, alternative dispute resolution mechanisms, and standardized review criteria for streamlining the judicial review process. Additionally, the research explores the role of technology in expediting adjudication and promoting transparency.

In alignment with international standards, the study acknowledges the significance of public participation in administrative decision-making and the assimilation of global best practices. Emphasis is placed on maintaining administrative efficiency while ensuring an effective review process. The research illuminates the intricate interplay between judicial activism and restraint, illustrating how diverse judicial philosophies impact the extent of court-exercised review powers.

By critically examining these reforms, this study seeks to contribute vital insights to the ongoing discourse on augmenting the judicial review of administrative actions within the realm of Indian administrative law.

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Introduction:

The process by which the judiciary, through the courts, examines and assesses the rulings and deeds of administrative bodies is known as "judicial review of administrative actions."⁵ This procedure makes sure that these governing bodies follow the law and operate within the bounds of their jurisdiction.

As the guardian of the Constitution, the judiciary is the primary source of the judicial authority to evaluate laws. Article 13 of the Constitution grants the Supreme Court and the High Courts this authority and states that any statute that is incompatible with the fundamental rights guaranteed by Part III of the Constitution will be deemed null and void. The judiciary is granted the authority to assess legislation and invalidate those that violate individuals fundamental constitutional rights. This might also depend on two more details being clarified.⁶

Government organisations or bodies known as administrative agencies are authorised by law to do particular tasks, like establishing regulations, granting licences, or resolving conflicts. These organisations are essential to the execution and upholding of the law, yet they are constrained by the legislatively established legal framework.

In the case of **AK. Kraipak v. Union of India**⁷, the court held that in order to determine whether an administrative authority's action is quasi-judicial or administrative, it must consider the type of authority granted, the people to whom it is granted, the method by which it is granted, and the consequences of the action.

In the case of **Kesavananda Bharti v. State of kerala**⁸ (1973) marked a pivotal moment in shaping the boundaries of judicial review in India. The Supreme Court's historic ruling emphasized that the Parliament's authority to amend the Constitution was not absolute and couldn't tamper with its fundamental structure. This decision broadened the scope of judicial review, empowering the judiciary to invalidate constitutional amendments that breached the fundamental framework. Subsequently, in the 1980s, Public Interest Litigation (PIL) emerged as a potent tool for judicial review in the country. PIL allowed individuals and organizations to seek legal remedies for breaches of fundamental rights or matters of public significance. This facilitated the judiciary in taking up cases on behalf of marginalized groups, playing a vital role in extending the reach of judicial review.⁹

Research questions

- 1) How has judicial review evolved in the context of administrative actions within the framework of Indian administrative law?
- 2) To what extent do precedents and case law contribute to shaping the outcomes of judicial reviews of administrative actions, and what patterns or inconsistencies emerge from such analyses?
- 3) In what ways can potential reforms address the identified flaws in the current system of judicial review of administrative actions in Indian administrative law?

Literature review

Research Question 1

An "administrative action" in administrative law is a broad term encompassing any action taken by a government agency or official that affects the rights, privileges, or interests of individuals. It's essentially the

⁵ Antharvedi, Usha, *Judicial Review of Administrative Actions and Principles* (March 11, 2008). Available at SSRN: <https://ssrn.com/abstract=1104955> or <http://dx.doi.org/10.2139/ssrn.1104955>

⁶ D D Basu, *commentary on the constitution of India*, Vol.1 (9th ed., 2022)

⁷ AK. Kraipak v. Union of India (1970) AIR 1970 SUPREME COURT 150

⁸ Keshavananda Bharati v. State of Kerala (1973), (1973) 4 SCC 225

⁹ (18) (PDF) *Exploring the Boundaries: The Evolving Scope of Judicial Review.*

way government interacts with and impacts citizens on a daily basis through various decisions, rulings, and regulations.

Understanding the scope of "administrative action" is crucial in the context of administrative law, as it forms the basis for judicial review and accountability mechanisms.

Judicial Review is defined as the doctrine underneath which government and legislative actions are reviewed by the judiciary. Even though we've in India the precept of separation of powers of the 3 arms of the country, particularly, the government, the legislative and the judiciary, the judiciary is vested with the power of evaluation over movements of the alternative palms. It is one of the checks and balances in the separation of power, it gives the courts the authority to monitor the legislative and executive departments and uphold the supremacy of the constitution.

Grounds for Judicial Review:

- Ultra Vires(Beyond the Powers):The court may intervene if a government body or official acts beyond the scope of its legal authority.
- Procedural Impropriety:Judicial review may be granted if there are errors or irregularities in the decision-making process, such as failures to follow proper procedures or a lack of fair hearings.
- Irrationality/Unreasonableness: Courts may review decisions that are so unreasonable that no reasonable authority could have come to that decision. This is often associated with administrative law and is sometimes referred to as the Wednesbury unreasonableness test.
- Error of Law: If there is an error of law in the decision-making process, such as misinterpretation or misapplication of the law, it may be subject to judicial review.
- Abuse of Discretion: Courts may intervene if a decision-maker abuses its discretion, meaning it exercises its power in a way that is arbitrary, capricious, or biased.
- Violation of Fundamental Rights: If a decision or action violates fundamental rights protected by the constitution, it may be subject to judicial review.
- Proportionality: In some legal systems, decisions or actions that are disproportionate to the goal they seek to achieve may be subject to review.
- Failure to Consider Relevant Factors: If a decision-maker fails to consider relevant factors or takes into account irrelevant factors, it may be subject to judicial review.

Statutory provisions for judicial review are there such as section 45 of the Specific Relief Act 1963 and the remedies of habeas corpus under Criminal Procedure Code. We have, of course, also been entitled to injunctions and declaratory remedies in addition to these. Therefore, this country has known about judicial review over administrative action for almost 150 years. The Indian Constitution provides for Judicial Review under the following articles:

- Article 13: Declares any law that violates fundamental rights null and void. This empowers the courts to invalidate unconstitutional laws and protect citizens from arbitrary state action.
- Article 32: Grants citizens the right to move the Supreme Court for the enforcement of fundamental rights. This is a powerful tool for individuals to seek judicial intervention for any violation of their fundamental rights by the government or its agencies.
- Articles 131: outlines the Apex Court's original jurisdiction over center-state and interstate disputes.
- Article 132: establishes the Supreme Court's appellate authority in situations involving constitutional issues.
- Article 133: outlines the Supreme Court's appellate jurisdiction in civil proceedings.
- Article 134: specifies the Supreme Court's appeal jurisdiction in criminal proceedings.

- Article 134A: focuses on the certificate needed to file an appeal from a high court case to the Supreme Court.
- Article 135: gives the Apex Court permission to use any pre-constitutional law's federal court jurisdiction and authority.
- Article 136: gives the Apex Court the authority to provide exceptional permission to appeal from any court or tribunal, with the exception of court-martials and military tribunals.
- Article 146: gives the President the power to consult the Apex Court on any issue pertaining to law, fact, or pre-constitutional issues.
- Article 226: confirms that the high courts have the authority to conduct judicial reviews and to issue writs, directives, and orders for the purpose of enforcing other goals or fundamental rights.
- Article 227: gives the high courts the power to preside over all courts within their separate territorial jurisdictions, with the exception of military tribunals and courts.
- Article 245: focuses on the boundaries established by state and federal legislatures.
- Article 246: explains the topics that Parliament and State Legislatures can pass laws on (i.e., the Union List, State List, and Concurrent List).
- Article 251 and Article 254: determines the central laws' hegemony in cases where there is a disagreement between the central and state laws. As a result, the state legislation will be deemed invalid and the central law will take precedence.
- Article 372(1): It establishes the judicial review of the pre-constitution legislation

Historical Background:

In *Marbury v. Madison* (1803), John Marshall, the fourth chief judge of the United States (1801–35), asserted that the United States Supreme Court had the authority to declare laws passed by Congress illegal. This is generally seen as the beginning of constitutional judicial review. Marshall's assertion of the authority of judicial review, however, had no explicit support in the language of the US Constitution; instead, it depended on the Supreme Court's decision and the lack of a strong political opposition to it.

In India, the power of judicial review was first seen in the case of *Shankar Prasad v. Union of India* (1951), whereby the Supreme Court held that the Constitution did not provide for any limitation on amending power of the Parliament. Nonetheless, the Supreme Court ruled in *Kesavananda Bharati v. State of Kerala* (1973) that the Parliament's amending authority was restricted and that the fundamental framework of the Constitution could not be changed.

- *Golaknath v. State of Punjab* (1967): The Supreme Court ruled in this case that the Parliament lacked the authority to change the Fundamental Rights guaranteed by the Constitution. The 24th Amendment to the Constitution, which gave the Parliament the power to change any provision of the document, including the Fundamental Rights, later overturned this ruling.
- *Kesavananda Bharati v. State of Kerala* (1973): In India's judicial review history, this case is regarded as one of the most important ones. The Supreme Court ruled in this case that the Parliament's ability to amend the Constitution was restricted and that the fundamental framework of the document could not be changed.
- *Maneka Gandhi v. Union of India* (1978): The Supreme Court ruled in this case that, in accordance with Article 21 of the Constitution, the freedom to travel abroad was a component of that right. The extent of the right to personal liberty was increased by this ruling, which also shielded it from capricious government limits.

- Vishaka v. State of Rajasthan (1997): In this instance, the Supreme Court ruled that sexual harassment at work violates women's basic rights. The court established rules for companies to follow in order to stop and deal with this kind of harassment at work.

Research Question 2

- *What are precedents?*

ANS- In the context of law, precedents are earlier rulings by judges that set down legal interpretations and general rules. When a court renders a decision on a specific legal matter, the ruling establishes a precedent that will be binding on future cases involving the same facts and legal issues. The implementation of the law is made more predictable and consistent by precedents.

So in short, Previous decisions by the courts known as precedents provide suggestions for similar circumstances in future periods. By establishing legal interpretations and principles, they encourage justice and uniformity in the application of the law.

¹⁰According to **Salmond** "*In a loose sense, it includes merely reported case law which may be cited and followed by courts. In a strict sense, that case law not only has great binding authority but must also be followed. In all precedents is the authority of past decisions for future cases. It must be reported, cited, and followed by courts*".

- *What are case laws?*

ANS- The body of legislation created by courts as a result of their rulings in particular legal disputes is known as case law. A precedent is established by a court's decision in a case, and that precedent becomes case law. These precedents provide as enforceable or convincing precedent for instances that are comparable in the future. A crucial source of legal interpretations and concepts that influence and direct how the law is applied is case law.

- The body of law known as case law is created by earlier court rulings that act as guidelines for subsequent cases. The legal rule that a higher court establishes and that subordinate courts are required to abide by in cases that are similar to one another is known as precedent. It establishes a legally binding precedent that will be followed in comparable future situations. In order to maintain uniformity and predictability in the legal system, lower courts are required to adhere to the rationale and standards established by higher courts in earlier judgments. When interpreting statutes and applying legal principles to particular factual situations, case law is essential.

✓ ESTABLISHING LEGAL PRINCIPLES AND INTERPRETATIONS :

When it comes to creating and interpreting legal principles during court reviews of administrative acts, precedents and case law are quite important. They guarantee justice and predictability in the judicial system and allow judges to use consistent reasoning. Judges base their conclusions and methods of analysis on earlier rulings and legal precedents.

A court may take into account pertinent case law and precedents that have previously handled comparable problems or legal concepts while evaluating an administrative action. Judges can evaluate how particular legal concepts were used and construed in particular instances by looking at these earlier rulings. They can comprehend the tenets and the underlying reasoning thanks to this examination.

Judges have a framework for assessing administrative acts and reaching consistent conclusions thanks to precedents and case law. They support justice and equity before the law by assisting in ensuring that similar instances are handled similarly. A precedent that should direct future decisions in like circumstances is established when a specific legal concept has been consistently applied in previous cases.

¹⁰ [John Salmond's Definition of Law: A Comprehensive Analysis \(lawbhoomi.com\)](http://lawbhoomi.com)

When evaluating administrative acts, judges may also refer to case law for the interpretation of laws or regulations. To ascertain the proper legal principles and their limits, they look at how earlier courts have interpreted and applied these laws.

✓ **ENSURING CONSISTENCIES AND PREDICTABILITY IN JUDICIAL REVIEWS :**

In judicial reviews, precedents and case law guarantee the uniformity, predictability, equity, and fair application of the law. They give the judicial system a strong foundation, guard against arbitrary rulings, and foster public trust in it.

❖ **PATTERNS OF INCONSISTENCY :**

✓ **ANALYSIS OF CONSISTENT OUTCOMES BASED ON PRESIDENTIAL RULINGS:**

In judicial reviews of administrative acts, precedent decisions have proven crucial to obtaining consistent results. A clear and rational interpretation of the law, conformity to accepted legal doctrine, review of prior rulings in related cases, and deference to constitutional principles are all factors that contribute to predictability. Consistency is also promoted by well-reasoned judgments, adherence to strong precedents, and the application of preexisting legal frameworks. Predictability in these kinds of outcomes is influenced by judicial discipline and a dedication to preserving the integrity of the legal system. All things considered, a strong commitment to precedents guarantees a steady and uniform legal environment.

✓ **THE IMPACT OF HIERARCHIES IN COURT SYSTEM (lower courts following high courts) :**

Integrity in judicial reviews is largely dependent on the court system's hierarchical structure. Within their respective jurisdictions, lower courts are generally required to adhere to the precedents set by higher courts. The stare decisis principle encourages consistency and predictability in the process of making decisions. Lower courts are required to apply the principles set forth by higher courts to instances that are comparable to their own. This procedure makes sure that decisions and interpretations of the law are the same at all judicial levels. It promotes coherence in the judicial system, stability, and the avoidance of conflicting rulings.

✓ **MAINTAINING STABILITY AND FAIRNESS THROUGH CONSISTENT APPLICATION OF CASE LAW :**

The judicial review process must be kept stable and equitable, and applying case law consistently by following precedents is essential to accomplishing these ends. Future choices are guided by established legal concepts derived from precedents. Courts can guarantee consistency in their decisions by applying precedent, which allows them to approach instances similarly. By establishing a uniform framework for understanding and applying the law, encourages stability. Furthermore, by guaranteeing that people know how their cases will be handled and preventing arbitrary or capricious decision-making, the use of precedents promotes justice.

❖ **INCONSISTENCIES IN INTERPRETATIONS :**

✓ **DIVERSE JUDICIAL INTERPRETATIONS OF PRECEDENTS AND CASE LAWS :**

Judges may interpret case law and precedent differently for a variety of reasons. Divergent perspectives are a result of various factors, including differing legal theories, differing judicial ideologies, and changing societal norms. Differences in legal reasoning or the emphasis placed on different components of a case can

also lead to inconsistencies. These differences may have a major effect on the results of judicial reviews, producing inconsistent decisions and possibly jeopardizing the process's integrity and impartiality. It highlights the necessity of intense debates, opposing viewpoints, and continuous communication within the judiciary in order to improve and make sense of legal principles.

✓ **CONFLICTING OUTCOMES DUE TO DIFFERENT COURT PERSPECTIVES :**

Significant issues arise when courts arrive at conflicting conclusions due to opposing perspectives. These discrepancies have the potential to weaken predictability and undermine public confidence in the legal system by introducing uncertainty into the law. It may result in litigants seeking favorable decisions from courts that have preferred interpretations, a practice known as forum shopping. Additionally, inconsistent legal practices can confuse practitioners and parties to legal disputes, obstruct the emergence of clear legal precedents, and limit legal progress. In order to overcome these issues, court cooperation, appellate review, and harmonization are essential.

✓ **JURISDICTIONAL VARIANCES AND REGIONAL INTERPRETATIONS :**

The interpretation and application of precedents and case law in judicial reviews are significantly impacted by jurisdictional variances and regional distinctions. Due to varying opinions across judges within the same jurisdiction, these issues lead to inconsistent results. Different interpretations of legal principles might result from judicial reasoning shaped by cultural norms, legal traditions, and regional peculiarities. These discrepancies create difficulties for attorneys and have the potential to erode the predictability and coherence of the law in many jurisdictions.

❖ **AND LEGAL EVOLUTION :**

✓ **SHIFTING SOCIETAL VALUES AND THEIR INFLUENCE ON CASE LAWS :**

The way case law is developed is greatly shaped and influenced by changing societal norms. Courts are frequently asked to interpret the laws that are in place in light of the evolving ideals of society. Judges may take shifting public attitudes and expectations into consideration, which may lead to changes in the outcomes of court reviews of administrative acts. Decisions might be more in line with modern social norms, which could result in various legal interpretations and applications.

✓ **ADAPTING PRECEDENTS TO CHANGING LEGAL AND SOCIAL CONTEXTS:**

Maintaining the relevance and efficacy of precedents in judicial reviews requires them to be adjusted to evolving legal and social situations. Techniques for doing this include creating new frameworks to account for changing cultural standards or differentiating precedents where the current legal and social environment substantially varies from the original case. Finding a balance between respecting legal heritage and taking into account contemporary changes can be difficult. Judges have a difficult time navigating and interpreting the law in the context of today's social realities.

✓ **THE ROLE OF LEGISLATIVE AMENDMENTS AND NEW LEGAL THEORIES IN EVOLVING CASE LAW :**

The development of case law during judicial reviews of administrative acts is significantly influenced by changes to the law and the introduction of new legal ideas. While new legal theories can offer alternate frameworks for understanding administrative acts, legislative changes can also have an impact on how precedents are interpreted and used. Although these advancements help case law expand and become more flexible, they could also cause problems with predictability and consistency. Courts have to carefully strike

a balance between the requirement for stability and predictability in legal results and the necessity for flexibility.

❖ **FACTORS CONTRIBUTING TO INCONSISTENCIES :**

✓ **DIFFERENTIATING FACTUAL CIRCUMSTANCES AND THEIR IMPACT ON PRECEDENTS :**

In judicial reviews of administrative actions, differences in the factual circumstances may provide difficulties for the interpretation and application of precedents and case law. Because every instance has a different context, there could be varying interpretations, which makes it challenging to develop definitive criteria. Judges must carefully consider the facts in these variations, weigh the points where the case differs and resembles prior decisions, and reach a ruling that considers the particulars of the case. Although it can be a difficult process, it guarantees that justice is carried out given the particular circumstances.

✓ **INTERPRETIVE METHODOLOGIES EMPLOYED BY JUDGES :**

When assessing case law and precedent, judges use different interpretive approaches, which results in inconsistent decisions. Certain judges might give priority to a rigorous textualist approach, concentrating only on the language used directly in the statute. Some might take a more purposeful stance, taking into account the underlying reasoning and goal. These disparate methods may lead to differing interpretations, which could explain why distinct cases' outcomes are inconsistent with one another. A uniform framework could reduce these discrepancies and encourage more consistency in the rulings made by judges.

✓ **IMPACT OF POLITICAL AND IDEOLOGICAL FACTORS ON CASE LAW DEVELOPMENTS :**

In judicial assessments of administrative acts, political and ideological considerations can have a substantial impact on how case law is developed and interpreted. There may be contradictions and difficulties in the decision-making process when judges with disparate political and ideological philosophies view legal matters and precedents in different ways. Judges' interpretation of the law can be influenced by partisan agendas, personal biases, and cultural pressures, which can eventually affect case decisions. Aiming for objectivity and conformity to the law can aid in resolving these issues and encourage uniformity in the decisions made by judges.

❖ **EVOLVING PERSPECTIVE OF CASE LAW ANALYSIS :**

✓ **RECOGNIZING THE DYNAMIC NATURE OF CASE LAW :**

Case law is a dynamic body of law that needs to be interpreted and applied with flexibility, especially when it comes to court reviews of administrative actions. The legal system must change to reflect shifting social, technological, and political contexts. To guarantee justice and applicability, judges must be willing to reexamine earlier rulings and modify their legal interpretations. The law can effectively solve complex difficulties and satisfy the demands of a changing society by adapting to changing conditions.

✓ **BALANCING STABILITY WITH THE NEED FOR LEGAL ADAPTABILITY :**

In the legal profession, balancing stability and flexibility is a constant struggle. Justice is based on stability and predictability, but the law also needs to adapt to the changing needs and values of society. Achieving equilibrium necessitates employing tactics including implementing legal modifications gradually, granting judges discretion, applying statutory interpretation methods, and encouraging active public discussion to influence legal advancements. The law can uphold its fundamental values and adapt to the shifting needs of society by skillfully negotiating this tension.

✓ **STRATEGIES TO ADDRESS INCONSISTENCIES AND PROMOTE PREDICTABILITY**

Careful attention must be paid to resolving discrepancies in case law interpretation and application. Enhancing judicial instruction and training, encouraging judge collaboration, promoting effective and user-friendly case law resources, and encouraging the application of binding precedent are a few possible strategies. In judicial assessments of administrative acts, placing a strong emphasis on predictability and fairness promotes consistency and guarantees that people and organizations are treated equally under the law.

❖ **MITIGATING INCONSISTENCIES AND ENHANCING PREDICTABILITY :**

✓ **EFFORTS TO PROMOTE INTER-JURISDICTIONAL CONSISTENCIES :**

For court assessments of administrative acts to be fair and predictable, there must be inter-jurisdictional consistency. Appellate courts' authoritative interpretations of the law are essential to the establishment and upkeep of uniformity. Judges working together across jurisdictions through forums and conferences foster communication and idea sharing, standardizing interpretations between jurisdictions. Frequent communication and the exchange of best practices reduce discrepancies and advance an integrated approach to administrative law.

✓ **MECHANISMS FOR ADDRESSING CONFLICTING INTERPRETATIONS AND RESOLVING INCONSISTENCIES :**

There exist multiple ways within the legal system to address contradictory interpretations and discrepancies that may occur during court reviews. En banc reviews, in which the entire court hears a matter, facilitate the unification of differing viewpoints and advance uniformity. A final decision on the subject can be obtained by referral to higher courts. Legislative action may occasionally be required to resolve ambiguities or reconcile divergent interpretations. These procedures are designed to deal with discrepancies and guarantee that the legislation is applied consistently.

✓ **THE ROLE OF BINDING PRECEDENT AND STRATEGIC JUDICIAL DECISION MAKING :**

In order to encourage uniformity and predictability in judicial reviews, precedent binding is essential. It creates a court hierarchy in which subordinate courts are bound by the norms set out by superior courts. Judges' deliberate choices impact the evolution of case law and lessen discrepancies. Depending on the facts and arguments made, judges may purposefully narrow, distinguish, or overturn earlier rulings in order to intentionally shape precedent. This keeps the legal system stable and consistent while allowing the judiciary to adjust to shifting societal demands.

Research Question 3

Statutory foundations of Judicial review

The power of judicial review is implicit in the constitutional framework rather than being explicitly stated. While the Indian Constitution does not contain a specific provision expressly granting the power of judicial review to the courts, it does establish the Supreme Court as the guardian and interpreter of the Constitution.¹¹

The Supreme Court and the High Courts have the authority to conduct judicial reviews under Articles 32 and 226 of the Indian Constitution to ascertain whether or not a legislative act is consistent with the Constitution.

In accordance with the Indian Constitution, the doctrine of separation of powers is implicitly enshrined through specific legal provisions outlining the distinct roles of the Legislature, Executive, and Judiciary. The authority of the Parliament and state legislatures to enact laws within their respective jurisdictions is outlined in Articles 245 to 255. The President is designated as the head of the executive branch in Article 53, while the Prime Minister and the Council of Ministers are described in detail in Articles 74 and 75. The judiciary's independence and authority are safeguarded by Articles 124 to 147, which establish the structure and functions of the Supreme

¹¹ <https://www.drishtiiias.com/daily-news-analysis/judicial-review-1>

Court and High Courts. Additionally, Article 50 emphasizes the separation of the judiciary from the executive in the states. While the Constitution recognizes the necessity of some functional overlap, these legal provisions collectively embody the foundational principles of the separation of powers in India, ensuring a system of checks and balances to uphold the rule of law.

There are several Constitutional provisions authorize judicial review of legislation, including Articles 13, 32, 131-136, 143, 226, 145, 246, 251, 254 and 372.¹²

Statutory basis of Judicial review of administrative actions

In India, the statutory basis for judicial review of administrative actions is primarily found in administrative law and specific statutes. While the Constitution of India provides the broader framework for judicial review, various laws and principles govern the review of administrative actions. Some of the key acts and principles include:

1. **Administrative Law Principles:** In addition to specific statutes, general principles of administrative law, such as natural justice, reasonableness, fairness, and non-arbitrariness, form the basis for judicial review of administrative actions.
2. **Judicial Review under Article 226 and Article 32:** As mentioned earlier, Article 226 of the Constitution grants the High Courts the power to issue writs for the enforcement of fundamental rights and for any other purpose. Article 32 provides similar powers to the Supreme Court. Both articles serve as the constitutional basis for judicial review of administrative actions.
3. **The Administrative Tribunals Act, 1985:** This Act provides for the establishment of administrative tribunals for the adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or the States.
4. **The Right to Information Act, 2005:** This act allows citizens to seek information from public authorities, fostering transparency and accountability in the functioning of public administration. It also provides a mechanism for the review of administrative decisions related to the disclosure of information.
5. **The Consumer Protection Act, 2019:** While primarily focused on consumer rights, this act allows for the judicial review of administrative decisions related to consumer disputes, ensuring that administrative bodies adhere to fair and just practices.
6. **The Environmental Protection Act, 1986:** This act empowers the judiciary to review administrative actions related to environmental protection. The National Green Tribunal (NGT) was also established under this act for the effective and expeditious disposal of cases related to environmental protection.
7. **The Competition Act, 2002:** This act establishes the Competition Commission of India (CCI) and provides for the review of decisions and orders of the CCI by the Competition Appellate Tribunal and, subsequently, by the Supreme Court.
8. **The Contempt of Courts Act, 1971:** This Act is an indispensable part of legislation that supports judicial review. It gives the judiciary the authority to penalize those whose actions impair the administration of justice. This law provides the courts with the independence and respect they are due and serves as a safeguard against any efforts to obstruct court processes or limit the authority of courts.

These are just a few cited examples, and there are various other statutes and principles that contribute to the statutory basis for judicial review of administrative actions in India.¹³ The legal landscape is dynamic, and new laws and amendments may influence the scope and nature of judicial review over time.

Important Judicial Pronouncements:

1. In *Minerva Mills vs. Union of India* (1980):

¹² Doctrine of separation of powers in India, September 22, 2017, available at <https://www.civildaily.com/doctrine-of-separation-of-powers-in-india>

¹³ **ADMINISTRATIVE LAW AND JUDICIAL REVIEW OF ADMINISTRATIVE ACTION THROUGH WRITS: GROUND OF REVIEW**", International Journal of Emerging Technologies and Innovative Research (www.jetir.org), ISSN:2349-5162, Vol.7, Issue 2, page no.112-120, February-2020, Available :<http://www.jetir.org/papers/JETIR2002217.pdf>

In the *Minerva Mills* case, the Supreme Court declared unconstitutional a provision of the 42nd Amendment Act that sought to prevent judicial review of constitutional amendments. The case reinforced the concept of the basic structure doctrine, emphasizing limits on Parliament's amending power and the protection of fundamental constitutional principles.¹⁴

2. *Ranjit Thakur v. The Union of India*(1987):
In the case of *Ranjit Thakur v. Union of India*, the principle of proportionality was highlighted. This principle states that a public authority must maintain a balance between its goals and the means employed to achieve them, minimizing the impact on individual rights to preserve public interest. The case underscores the importance of proportionate actions by public authorities.¹⁵
3. *Laxmibai v. The Collector Nanded* (2020):
In the case of *Laxmibai v. The Collector, Nanded and Others* (Civil Appeal 1622 of 2020), the doctrine of proportionality in the context of judicial review of administrative action was emphasized. The doctrine holds that even in matters within the exclusive authority of a Court Martial, if the decision, including the sentence, defies logic in an outrageous manner, it is not immune from correction. The court highlighted that irrationality and perversity are valid grounds for judicial review, ensuring that administrative decisions, even in military matters, are subject to scrutiny if they are illogical or perverse.¹⁶
4. *Council of Civil Service Unions v. Minister for the Civil Service* (1984):
In the case of *Council of Civil Service Unions v. Minister for the Civil Service* (1984), the court elucidated the concept of 'irrationality,' equating it with "Wednesbury unreasonableness." The court described it as a decision that is so outrageous in its defiance of logic or accepted moral standards that no reasonable person, who has applied their mind to the question at hand, could have arrived at such a decision. This definition underscores the standard of unreasonableness that must be met for a decision to be considered irrational and subject to judicial review.¹⁷
5. *Reliance Energy Limited & Another v. Maharashtra State Road* (2010)
In the case of *Reliance Energy Limited & Another v. Maharashtra State Road*, the Division Bench held that the fundamental criterion in judicial review is to assess whether there are any flaws in the decision-making process rather than focusing solely on the decision itself. The court emphasized that the person making the decision should comprehend the law and procedure involved, as a lack of understanding may lead to illegality. This underscores the importance of a sound decision-making process in administrative actions to ensure legality and fairness.¹⁸
6. *Tata Cellular v. Union of India* (1994)
In the case of *Tata Cellular v. Union of India*, the Supreme Court established the principles of judicial review, emphasizing that the court's role is to scrutinize the decision-making process, not the merits of the decision itself. The court articulated that if administrative decisions were subject to review based on their merits, it could undermine the decision-making authority even if it was fallible. The court's duty, therefore, is to confine itself to the question of legality. The key considerations in judicial review, as outlined by the court, include:
 1. Whether the decision-making authority exceeded its power.
 2. Whether there was an error of law in the decision.
 3. Whether there was a breach of the rules of natural justice
 4. Whether the decision reached was one that no reasonable tribunal would have arrived at.
 5. Whether there was an abuse of power.

¹⁴ *The Minerva Mills v. Union of India* (1980), AIR 1980 SC 1789

¹⁵ *Ranjit Thakur v. The Union of India* (1987), AIR 198 SC 2386

¹⁶ *Laxmibai v. The Collector Nanded* (2020), AIR 2020 SC 3393

¹⁷ *Council of Civil Service Unions v. Minister for the Civil Service* (1984), [1985] ICR 14

¹⁸ *Reliance Energy Limited & Another v. Maharashtra State Road* (2010), W.P. No. 25304 (W) of 2010

These criteria provide a framework for evaluating the legality and procedural fairness of administrative decisions during the judicial review process.¹⁹

7. A.K. Gopalan v. State of Madras (1950):

This case established the concept of "procedure established by law" as opposed to "due process of law" in the Indian context. It emphasized that as long as a law is duly enacted, it is valid, even if it may be perceived as unfair.²⁰

8. Maneka Gandhi v. Union of India (1978):

This case expanded the scope of Article 21 of the Indian Constitution, stating that the procedure established by law must be fair, just, and reasonable. It marked a shift towards a broader interpretation of the right to life and personal liberty.²¹

9. Keshavananda Bharati v. State of Kerala (1973):

While primarily known for the doctrine of basic structure, this case highlighted the importance of the judiciary in reviewing administrative actions to ensure they do not violate the basic structure of the Constitution.²²

10. S.P. Gupta v. President of India (1982):

Also known as the "First Judges Case," this case dealt with the primacy of the Chief Justice of India in matters of judicial appointments. It emphasized the judiciary's role in ensuring the independence of the judiciary.²³

11. Vishaka v. State of Rajasthan (1997):

This case laid down guidelines to prevent sexual harassment at the workplace. It showcased the judiciary's proactive role in safeguarding the rights and dignity of individuals by reviewing administrative actions and policies.²⁴

12. Bhopal Gas Leak Disaster Case (1989):

This case highlighted the judiciary's role in reviewing administrative actions related to environmental protection and corporate liability. The court's decisions influenced the evolution of environmental jurisprudence in India.²⁵

13. Rajasthan State Electricity Board v. Mohan Lal (1967):

This case is significant in establishing the principle of audi alteram partem (hear the other side) in administrative actions, emphasizing the importance of giving affected parties an opportunity to present their case before a decision is made.²⁶

Recent Pronouncements:

¹⁹ Tata Cellular v. Union of India (1994) 6 SCC 651

²⁰ A.K. Gopalan v. State of Madras (1950), AIR 1950 SC 27

²¹ Maneka Gandhi v. Union of India (1978), AIR 1978 SC 597

²² Keshavananda Bharati v. State of Kerala (1973), (1973) 4 SCC 225

²³ S.P. Gupta v. President of India (1982), 1981 Supp (1) SCC 87

²⁴ Vishaka v. State of Rajasthan (1997), AIR 1997 SC 3011

²⁵ Union Carbide Corporation v. Union of India (1989), 1989 SCC (2) 540

²⁶ Rajasthan State Electricity Board v. Mohan Lal (1967), AIR 1967 SC 25

1. **Santosh Nanta vs State of Himachal Pradesh & Others**

In the case of **Santosh Nanta vs State of Himachal Pradesh & Others (2023)**, the Himachal Pradesh High Court noted that engaging in judicial review to disregard decisions made by expert domains within a selection committee conducting a reasoned selection process would be akin to navigating a precarious situation. The court emphasized the need to exercise caution, stating that judicial interference should be minimized in such instances.²⁷

2. **Nallacheruvu Obulesu v. State of Andhra Pradesh & others (2023)**

In the case of **Nallacheruvu Obulesu v. State of Andhra Pradesh & others (2023)**, the Andhra Pradesh High Court underscored that the court's authority to exercise judicial review in disputes arising from tender invitation conditions is circumscribed. This limitation arises from the fact that the government, having meticulously considered and formulated the terms and conditions of the tender, is entrusted with the discretion to do so. The entity issuing the tender is deemed the appropriate arbiter in such matters, and judicial interference in questioning its decision is deemed unnecessary. Therefore, the court emphasized that it is not within the purview of the judiciary to pass judgment on the merit of the conditions stipulated in the tender.²⁸

These cases collectively demonstrate how the Indian judiciary has actively engaged in the judicial review of administrative actions to protect constitutional values, individual rights, and ensure the proper functioning of the administrative machinery.

Overview of the Current System of Judicial Review in Indian Administrative Law

The current system of judicial review of administrative actions in Indian administrative law is primarily governed by the Constitution of India, various statutes, and judicial precedents. The Constitution provides for the separation of powers between the legislature, executive, and judiciary, and vests the power of judicial review in the High Courts and the Supreme Court. Additionally, statutes such as the Administrative Tribunals Act, 1985, the Right to Information Act, 2005, and the various sector-specific laws also contain provisions for judicial review of administrative actions.

Under the current system, the grounds for judicial review include illegality, irrationality, procedural impropriety, and unreasonableness. The courts have the authority to review administrative actions to ensure that they are within the scope of the administrative authority, are not arbitrary, and comply with the principles of natural justice. However, despite the existence of these legal provisions, the current system of judicial review in Indian administrative law is not without its flaws.

In the case of **Santosh Nanta vs State of Himachal Pradesh & Others (2023)**, the Himachal Pradesh High Court noted that engaging in judicial review to disregard decisions made by expert domains within a selection committee conducting a reasoned selection process would be akin to navigating a precarious situation. The court emphasized the need to exercise caution, stating that judicial interference should be minimized in such instances.

Further, In the case of **Nallacheruvu Obulesu v. State of Andhra Pradesh & others (2023)**, the Andhra Pradesh High Court underscored that the court's authority to exercise judicial review in disputes arising from tender invitation conditions is circumscribed. This limitation arises from the fact that the government, having meticulously considered and formulated the terms and conditions of the tender, is entrusted with the discretion to do so. The entity issuing the tender is deemed the appropriate arbiter in such matters, and judicial interference in questioning its decision is deemed unnecessary. Therefore, the court emphasized that it is not within the purview of the judiciary to pass judgment on the merit of the conditions stipulated in the tender.

Grounds for Judicial Review:

Illegality: Courts can intervene if an administrative action is found to be illegal, meaning it goes beyond the authority granted by law.

Irrationality: If a decision is so unreasonable that no reasonable authority could have arrived at it, the court may deem it irrational and subject to judicial review.

²⁷ Santosh Nanta vs State of Himachal Pradesh & Others (2023), CWPOA No. 450 of 2019

²⁸ Nallacheruvu Obulesu v. State of Andhra Pradesh & others (2023), W.P. No. 7985 of 2023

It famously known as the 'Wednesbury test,' was introduced in the landmark case of **Associated Provincial Picture House v. Wednesbury (1947)**²⁹. According to this test, judicial intervention is justified if the decision-maker considered inappropriate factors, neglected relevant considerations, or arrived at a decision so unreasonable that no rational authority would reach the same conclusion. It emphasized that the court cannot intervene merely due to a disagreement with the decision, setting a standard that allows for review only in cases of egregious irrationality in administrative decisions.

Procedural Impropriety: Judicial review is permissible if there are procedural irregularities, such as a failure to follow the principles of natural justice.

The Ridge v Baldwin (1963) case³⁰ is distinctive in highlighting the significance of procedural fairness in judicial review, regardless of the nature of the adjudicating body. In this case, Ridge, the Chief Constable of Brighton, faced suspension on charges of conspiring to obstruct justice. Despite being cleared of the allegations, the judge expressed criticism of Ridge's conduct. Subsequently, Ridge was dismissed without being invited to the meeting where the decision was made. Although he was later given an opportunity to present his case before the committee during the appeal, Ridge appealed to the House of Lords, arguing that the committee had grossly violated the principles of natural justice. This case stands out for underscoring the crucial connection between an individual's right to be heard and the right to be informed about the charges brought against them.

Unreasonableness: Actions that are deemed unreasonable, where no reasonable decision-maker would have come to the same conclusion, can be subject to judicial scrutiny.

Addressing Identified flaws and reforms:

The current system of judicial review of administrative actions in Indian administrative law has notable flaws that compromise its effectiveness and hinder the proper functioning of the administrative machinery. In order to rectify these shortcomings, potential reforms can be introduced to enhance transparency, accountability, and efficiency in the system. This research will explore the identified flaws and propose specific reforms to address them.

The Potential reforms to enhance the effectiveness and accessibility of judicial review are essential for ensuring the continued relevance and efficiency of this critical aspect of democratic governance. Here, we will explore some key reforms that can contribute to improving the functioning and accessibility of judicial review.

Flaw 1: Delay and Backlog in adjudication

One significant flaw in the current system is the prevalent delay and backlog in adjudication, leading to a substantial backlog of pending cases. This delay often denies justice to the affected parties and undermines the principles of fairness and expeditious resolution of disputes.

As of December 31, 2022, there were over 5 crore (50 million) pending cases in all courts across India.

This figure includes:

69,766 cases pending in the Supreme Court (as of July 1, 2023).

59,87,477 cases pending in various High Courts (as of February 1, 2023).

4,32,67,373 cases pending in District and subordinate courts (as of December 31, 2022).

Pendency by Court Level: As mentioned earlier, over 85% of cases, or around 4.3 crore, are pending in district and subordinate courts.

Pendency by Case Type: Civil cases generally constitute a larger portion of the pending cases compared to criminal cases.

Pendency by Duration: A significant number of cases have been pending for over 5 years, and some even for over 30 years.³¹

(Sources: National Judicial Data Grid (NJDG): Ministry of Law and Justice of India)

Flaw 2: lack of specialized tribunals

²⁹ Associated Provincial Picture House v. Wednesbury (1947), [1948] 1 KB 223

³⁰ Ridge v Baldwin (1963), [1964] AC 40

³¹ National Judicial Data Grid (NJDG): Ministry of Law and Justice of India

The lack of specialised tribunals to decide on particular types of administrative actions is another Significant Flaw. The lack of specialised tribunals has placed an additional pressure on the normal courts, causing them to handle administrative law cases more slowly and inefficiently.

In the **Chandra Kumar case of 1997**, the Supreme Court determined that appeals against tribunal decisions could be filed in the High Court, thereby defeating the original intent of alleviating the burden on regular courts.

At present, there is an insufficient infrastructure for the effective functioning of these tribunals. Typically, the government designates retired judges as tribunal chairpersons, potentially leading to the possibility of current judges exhibiting bias to secure future appointments post-retirement. Preserving the autonomy of tribunals is essential, and structural and operational reforms are imperative to distance them from executive influence. Introducing a form of judicial oversight over tribunals is crucial to uphold the Rule of Law.

Flaw 3: Insufficient Expertise and Technical Insight

A deficiency in the current system is the inadequate expertise and technical understanding among judges involved in scrutinizing administrative actions, impacting the thoroughness and quality of their assessments. This often leads to flawed decisions that fail to comprehend the intricate details and complexities inherent in administrative matters.

Flaw 4: Limited Transparency and Accountability

Another significant drawback in the existing system of judicial review of administrative actions is the limited transparency and accountability. This deficiency erodes public trust and creates opportunities for potential corruption or misuse of authority by administrative bodies.

Flaw 5: Insufficient Remedies for Administrative Wrongoings

The current system exhibits a flaw in providing adequate remedies for addressing administrative wrongoings, limiting the scope for delivering justice to aggrieved parties. This flaw compromises the principle of impartiality and hampers the overall effectiveness of the system.

Flaw 6: Inconsistencies in Standards of Review:

The existing system faces a challenge due to the absence of well-defined guidelines regarding the standard of review employed by courts when evaluating administrative decisions. This lack of clarity results in subjective interpretations and unpredictable outcomes, undermining the principles of both predictability and justice.

Reforms suggested

1. Streamlining the Judicial Review Process:

Streamlining the judicial review process is a viable approach to enhance its efficiency, primarily by addressing issues related to delays and costs. Implementing case management strategies is one effective avenue for reform. By adopting efficient case management practices, the judiciary can prioritize and expedite cases, thereby reducing delays in the resolution of legal matters. Specialized courts and Tribunals, focused on specific types of cases, can further contribute to expediting the process by leveraging expertise in particular areas of law.

Alternative dispute resolution (ADR) mechanisms, such as mediation or arbitration should be prioritised . They provide an alternative to traditional litigation and can significantly reduce the time and costs associated with lengthy court proceedings. These processes encourage parties to resolve disputes amicably with the assistance of a neutral third party.

Additionally, integrating technology into the judicial review process can lead to substantial improvements. Implementing e-filing systems allows for the electronic submission of legal documents, reducing paperwork and administrative burdens. Virtual hearings, conducted through video conferencing platforms, offer a more

accessible and time-efficient means for court proceedings, minimizing the need for physical appearances and travel.

By leveraging these tech-enabled solutions and adopting modern case management techniques, the judicial review process can become more efficient, cost-effective, and accessible. These reforms contribute not only to the timely resolution of legal matters but also to the overall effectiveness of the justice system.

2. Establishment of Specialized Administrative Tribunals

A crucial reform that warrants consideration involves the creation of dedicated administrative tribunals tailored to adjudicate specific categories of administrative actions. These specialized tribunals, equipped with expertise in distinct areas like tax, environment, and labor law, have the potential to streamline the adjudication process and guarantee specialized examination of administrative actions. This targeted approach can lead to more efficient and informed decision-making within the realm of administrative law.

3. Training and Expertise Enhancement

To rectify this flaw, the judiciary should implement comprehensive training programs designed to provide judges and judicial officers with the requisite knowledge and skills in administrative law. Specialized training tailored to judges handling specific sectors like taxation, environmental regulations, or public procurement would enhance their understanding of the subject matter, facilitating well-informed judgments.

The judiciary should also incorporate Retired Judges and judicial officers in the Counsel and Panel to enhance the quality of administrative decision making.

4. Disclosure and Reporting Mechanisms

To address this flaw, reforms should concentrate on bolstering transparency and accountability in administrative actions³². This can be accomplished by mandating comprehensive disclosure of pertinent documents, including the rationale behind decision-making, and establishing mechanisms for regular reporting and monitoring of administrative actions. Furthermore, implementing a robust right to information regime would empower citizens to access essential information related to administrative decisions.

Initiatives like open court hearings, online access to case records and schedules, and greater disclosure in judge selection processes can improve transparency.

5. Promoting Public Education and Legal Literacy:

Enhancing public education and understanding of the scope and importance of judicial review can significantly improve its accessibility. By increasing awareness and knowledge about the role of the judiciary and individuals' rights, people can navigate the judicial review process more efficiently, ensuring the protection of their entitlements. This objective can be achieved through targeted educational programs, public awareness campaigns, and collaborations between legal institutions and public advocacy organizations.

Independent oversight: Robust mechanisms for independent oversight and complaint redressal against judges can strengthen accountability and address concerns about misconduct.

6. Enhancing and Empowering Ombudsman Institutions

To tackle this flaw, there is a need to establish strengthened ombudsman institutions that operate independently from administrative authorities. These institutions should be vested with the authority to investigate complaints and offer redress. It is crucial to endow these institutions with the necessary legal authority and resources to ensure impartial and effective resolution of grievances arising from administrative actions.

Ensuring accountability in administrative law is crucial due to the substantial power wielded by administrative bodies, which directly impacts individuals' lives and rights. Judicial review serves as a vital check to ensure these bodies operate within legal boundaries. However, the current judicial review remedies have limitations. They often focus narrowly on procedural defects, neglecting substantive wrongs, which can undermine the full extent of administrative justice. Monetary compensation, when available, is often insufficient, leaving victims facing financial losses and emotional distress. The court's limited power to invalidate administrative decisions

³² **ADMINISTRATIVE LAW AND JUDICIAL REVIEW OF ADMINISTRATIVE ACTION THROUGH WRITS: GROUND OF REVIEW**", International Journal of Emerging Technologies and Innovative Research (www.jetir.org), ISSN:2349-5162, Vol.7, Issue 2, page no.112-120, February-2020, Available :<http://www.jetir.org/papers/JETIR2002217.pdf>

hampers its ability to rectify unlawfully made decisions and address systemic issues. To address these shortcomings, there is a pressing need to expand remedies in judicial review.

Expanding remedies can serve various purposes. Firstly, it enhances deterrence and prevention by introducing potential remedies such as financial penalties, discouraging administrative bodies from engaging in unlawful conduct. Secondly, it upholds principles of restorative justice, ensuring that victims receive adequate compensation and that their rights and interests are restored. Thirdly, it promotes equality and fairness by making justice accessible to all citizens, regardless of financial status, and enables them to seek comprehensive remedies for administrative wrongdoings committed against them.

To implement these changes, potential reforms include the introduction of punitive damages for deliberate wrongdoing, strengthening compensation provisions to offer more substantial redress, and empowering courts with greater authority to invalidate decisions, addressing both unlawfully made decisions and systemic issues within administrative bodies. Such reforms are essential to foster accountability, prevent abuses of power, and provide meaningful recourse to individuals affected by administrative actions.

7. Standardizing Judicial Review Standards

It is imperative for the legislature to define and codify precise standards of review, providing clear guidance for judges when assessing administrative actions. This systematic approach aims to minimize arbitrariness, foster predictability, and bolster the rule of law.

A court might apply "arbitrary and capricious" review to one agency decision, requiring the agency to provide a reasoned explanation for its actions. However, in a similar case, the court might apply "substantial evidence" review, giving more deference to the agency's findings.

8. Facilitating Public Interest Litigation:

Public interest litigation is vital for securing access to justice and fostering accountability. To enhance the accessibility of public interest cases, reforms can be implemented. These may involve easing standing requirements, offering financial support or fee waivers for underprivileged litigants, and creating specialized panels for public interest litigation within the judicial system.

9. Enhancing Judicial Independence and Accountability:

Ensuring both the freedom and accountability of the judiciary is crucial for the effectiveness of a judicial examination system. Strategies to safeguard judicial independence include transparent and competence-driven judicial appointments, robust mechanisms for disciplinary action and removal, and protection against undue interference from the executive or other government branches. Conversely, fostering accountability can be realized through methods such as judicial performance assessments and regular auditing of the outcomes of judicial review cases.

10. Expanding Access to Legal Aid and Pro Bono Services:

Access to legal representation is essential for individuals seeking to pursue judicial review. To overcome the barrier of affordability and guarantee equal access to justice, there is a need to expand legal aid programs and promote pro bono services. Collaboration among legal practitioners, bar associations, and civil society organizations can play a pivotal role in providing free or low-cost legal assistance to individuals in need. This collaborative effort aims to bridge the gap and ensure that everyone has the opportunity to seek justice through the legal system.

11. Addressing Structural Inequalities:

Initiatives should be undertaken to rectify structural inequalities that impede access to judicial review. This involves tackling discrepancies in legal representation, guaranteeing language and cultural accessibility, and offering reasonable accommodation for marginalized groups. Enhancing diversity within the judiciary is another crucial step toward creating a more inclusive and representative judicial review system. By addressing these issues comprehensively, the goal is to create a legal framework that ensures fair and equitable access to judicial review for all individuals, regardless of background or circumstance.

The Steps taken forward to address such shortcomings:

1. The establishment of the Tribunals:

There are tribunals for settling various administrative and tax related disputes, such as The Central administrative tribunal (CAT), Income Tax Appellate Tribunal (ITAT), Customs, Exise and Service Tax Appellate Tribunal (CESTAT), National Green Tribunal (NGT), Competition Appellate Tribunal (COMPAT) and Securities Appellate Tribunal (SAT).

The Central Administrative Tribunal (CAT) is a specialized quasi-judicial body in India that primarily deals with disputes and service matters related to the recruitment and conditions of service of government employees. The tribunal covers a wide range of issues, including appointment, promotion, demotion, dismissal, retirement benefits, and other service-related matters. One of the main objectives of establishing CAT is to ensure speedy resolution of service-related disputes, reducing the burden on regular courts.

State Administrative Tribunal is empowered by Article 323 B to address matters like tax-related issues connected with land reforms.

Water Disputes Tribunal : ISRWD Act, 1956 empowers Parliament to form tribunals for adjudicating disputes related to inter-State rivers. The Inter-State River Water Disputes (Amendment) Bill, 2019 aims to create a standalone tribunal for efficient resolution.

Armed Forces Tribunal (AFT): Military tribunal established under the Armed Forces Tribunal Act, 2007. It Adjudicates disputes and complaints regarding commission, appointments, and conditions of service in the armed forces.

National Green Tribunal (NGT): Was Established in 2010 under the National Green Tribunal Act 2010. It aims for an efficient and expeditious disposal of cases related to environmental protection and conservation. It ensures enforcement of environmental rights and provides relief and compensation.

Income Tax Appellate Tribunal: Constituted under Section 252 of the Income Tax Act, 1961. It Exercises powers and functions conferred by the Income Tax Act.

2. The Enforcement of The Alternative Dispute resolution mechanisms:

Such as the Arbitration and Conciliation Act, 1996:

The primary objective of the Arbitration and Conciliation Act is to provide a robust legal framework for the fair and efficient resolution of disputes through arbitration and conciliation.

And The mediation act, 2023: The Mediation Act, 2023 aims to ease the judicial workload by promoting mediation and enforcing mediated settlement agreements. It is a cost effective and Time- bound process.

3. Technologically enhanced court systems:

Technological advancements have been introduced to streamline processes, improve efficiency, and enhance access to justice.

14. e-Courts Project: The e-Courts project was initiated with the aim of computerizing district and subordinate courts across the country. This project involves the use of Information and Communication Technology (ICT) to automate court processes, case management, and administrative functions.
15. Case Information System (CIS): Many courts in India have implemented Case Information System to provide online access to information about case status, cause list, orders, and judgments. This allows litigants, lawyers, and the public to track the progress of cases without physically visiting the court.

16. National Judicial Data Grid (NJDG): The NJDG is an online platform that provides data on pending and disposed of cases across various courts in India. It offers transparency and helps in monitoring the efficiency of the judicial system.
17. Video Conferencing: The use of video conferencing technology has been increasingly adopted in Indian courts, especially during the COVID-19 pandemic. It allows for virtual hearings, reducing the need for physical appearances in court and providing a more accessible way for litigants and lawyers to participate in proceedings.
18. E-Filing: Many courts now accept electronic filing of cases, enabling lawyers and litigants to submit documents and pleadings online. This not only saves time but also reduces paperwork and administrative burdens.
19. Online Payment of Court Fees: Some courts have implemented systems for the online payment of court fees, making it more convenient for litigants to pay fees and fines without the need to visit a physical court.
20. Mobile Apps and Portals: Some courts and legal authorities have developed mobile applications and online portals to facilitate easy access to legal information, case details, case status and updates.

4. The enforcement of the Pro bono services and the Nyaya bandhu app:

The Pro Bono Legal Services Programme, launched in April 2017 by the Department of Justice in India, aims to enhance access to justice for marginalized sections of society. It addresses the constitutional obligation of providing free legal aid to all. The initiative establishes an institutional structure to promote a pro bono culture, recognizing and appreciating lawyers who volunteer their services. The Nyaya Bandhu app is a key component, leveraging technology to connect marginalized individuals seeking legal advice with volunteer lawyers. The app facilitates a platform for quality legal assistance and contributes to the overall goal of improving access to justice for all.³³

89 law schools from 30 states and union territories across India have joined the Pro- Bono legal Club Scheme.

10711 advocates have directly registered across 24 State Bar Councils.

22 High Courts constituted Pro Bono Panels in which 1353 advocates have enrolled.

The total number of such cases are 3142 (as of 31st December 2023).

5. Establishment of Legal Services Authority of India :

National Legal Services Authority of India (NALSA) was established under the Legal Services Authorities Act of 1987. Its primary objective is to create a uniform and nationwide network that offers competent legal services to the weaker sections of society at no cost. Although it was constituted in 1987, NALSA came into force and began its operations in November 1995. NALSA plays a crucial role in promoting equal access to justice and providing legal aid to those who may not have the financial means to secure legal assistance.³⁴

State Legal Services Authorities were established at the state level to implement national legal service policies and design programs tailored to the specific needs of each state. These authorities are responsible for establishing, supervising, and monitoring legal service committees at the district and block levels. The State Legal Services Authorities play a crucial role in ensuring the effective and efficient delivery of legal services to the marginalized and weaker sections of society within their respective states. By overseeing the district and block level committees, they work towards the goal of providing access to justice for all and promoting legal awareness and empowerment at the grassroots level.³⁵

³³ Department of Justice (<https://www.probono-doj.in/home/index>)

³⁴ [Nalsa.gov.in](https://www.nalsa.gov.in)

³⁵ <https://doj.gov.in/legal-literacy-legal-awareness/>

Conclusion:

In conclusion, the judicial review of administrative actions plays a crucial role in ensuring the accountability, fairness, and legality of government decisions. This process serves as a fundamental check on the exercise of administrative power, preventing potential abuses and protecting the rights of individuals and entities affected by governmental actions.

Through judicial review, courts assess the procedural regularity and substantive validity of administrative decisions, ensuring that they align with the principles of due process, legality, and reasonableness. This mechanism fosters transparency and accountability, promoting public trust in the administrative system.

Moreover, judicial review provides a forum for resolving disputes between citizens and the government, offering a means to rectify decisions that may be arbitrary, capricious, or beyond the scope of the authority granted to administrative agencies. The judiciary's role in scrutinizing administrative actions helps maintain the delicate balance of power within a democratic society, preventing any one branch of government from overstepping its bounds.

While recognizing the importance of judicial review, it is essential to strike a balance that allows administrative agencies the necessary flexibility to carry out their functions effectively. Striking this balance ensures that the judiciary's oversight does not unduly hinder the government's ability to respond to evolving challenges and meet the needs of the public.

In conclusion, the judicial review of administrative actions serves as a cornerstone of the rule of law, upholding the principles of justice, fairness, and accountability in the functioning of government. As societies continue to evolve, the role of judicial review remains crucial in safeguarding individual rights, promoting good governance, and maintaining the integrity of the administrative process.

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