

JUDICIAL REVIEW ON ADMINISTRATIVE ACTION

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ABSTRACT:

Judiciary places a key role in deciding the disputes between the citizens and a state. Administrative action is a residuary which is neither legislative nor judicial. Judicial review of administrative action serves as a vital mechanism for ensuring accountability and legality. It allows courts to evaluate whether these agencies have acted within their statutory authority. The outcomes of judicial review can lead to the annulment of agency decisions, remand for reconsideration, or injunctions against unlawful actions. Overall, judicial review is essential for maintaining the rule of law and protecting individual rights.

Keywords: Administrative action, unlawful actions, judicial review, individual rights.

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." The principle of judicial review empowers courts to assess whether administrative actions comply with statutory mandates and established legal standards. Judicial review typically examines three key dimensions of administrative actions: **illegality**, where courts determine if agencies have acted beyond their legal authority; **procedural fairness**, which ensures that proper procedures were followed, allowing affected parties a fair opportunity to present their case; and **reasonableness**, assessing whether decisions are rational and supported by substantial evidence. Article 13 of the Constitution grants the Supreme Court and the High Courts the authority and state that any statute that is incompatible with the fundamental rights guaranteed by Part III of the Constitution will be deemed null and void.

NO MAN CAN BE JUDGE OF HIS OWN CAUSE:

Nemo judex in causa sua is a Latin phrase that means, literally, "**no-one is a judge in his own cause**". It is a principle of natural justice that no

person can judge a case in which they have an interest. In some jurisdictions, the principle is strictly enforced to avoid any appearance of bias.

A.K. KARAIPAK V UNION OF INDIA⁸⁴⁶

FACT: The case involved the Ak Karaipak community, a minority group that sought to establish a school. They argued that the government's refusal to grant permission violated their rights under Article 30, which provides minorities the right to establish and administer educational institutions.

ISSUE: the government's actions constituted an infringement on the community's right to manage educational institutions as a minority group?

JUDGEMENT: The Supreme Court of India ruled in favour of Ak Karaipak, emphasizing that the state must not interfere with the rights of minorities to establish and manage their own educational institutions. The court held that the minority community had a fundamental right to set up their school, which the state could not unjustly restrict.

⁸⁴⁶ A.K. KARAIPAK V UNION OF INDIA, AIR 1970 SUPREME COURT 150.

GROUND OF JUDICIAL REVIEW ON ADMINISTRATIVE ACTION

ILLEGALITY: If there is an error of law, acted with mala fide intentions or used the power vested for wrong purpose.

MINERVA MILLS VS. UNION OF INDIA 31st July, 1980⁸⁴⁷

FACT: It limits the power of judicial review and prioritized Directive Principles over Fundamental Rights. Minerva Mills challenged the amendments that restricted the judiciary's power to review constitutional amendments and attempted to create a hierarchy favouring Directive Principles

JUDGEMENT: The Supreme Court reaffirmed that judicial review is a basic structure of the Constitution, essential for maintaining the rule of law and protecting fundamental rights.

PROCEDURAL IMPROPRIETY: Procedural Impropriety is to cover two areas which are failure to observe rules given in statute and to observe the basic common-law rule of justice.

RIDGE V BALDWIN (1964)⁸⁴⁸

FACT: Ridge was the chief constable of a police force in a borough. He was dismissed from his position by the watch committee without being given an opportunity to respond to the allegations against him. The committee made the decision to dismiss him based on a report that raised serious concerns about his conduct. Ridge challenged the dismissal, claiming that he was denied natural justice and due process.

ISSUE: whether Ridge had been denied the right to a fair hearing (natural justice) before his dismissal.

JUDGEMENT: The House of Lords held that Ridge's dismissal was unlawful because he had not been afforded the opportunity to defend himself against the allegations. The decision emphasized the importance of natural justice and procedural fairness in administrative decisions.

IRRATIONALITY: When unreasonableness is seen in the decision given or it is made under unreasonable conditions. A decision administrative authority can be held to be unreasonable if it is so outrageous in its defiance of logic or prevalent moral standards that no reasonable person who had applied his mind to the subject could have arrived at it.

ASSOCIATED PROVINCIAL PICTURE HOUSE V WEDNESBURY (1947)⁸⁴⁹

FACTS: The case arose from a dispute between Associated Provincial Picture House Ltd, a cinema operator, and the Wednesbury Corporation, a local authority. The cinema sought permission to open on Sundays, in violation of the local authority's licensing conditions, which prohibited cinemas from opening on Sundays unless they had been granted a specific licence to do so. The Wednesbury Corporation exercised its discretion and refused to grant the cinema operator permission to open on Sundays, even though the cinema operator claimed the public interest would benefit.

ISSUES: Whether the Wednesbury Corporation's decision to refuse permission was unreasonable under the public law principles governing the exercise of discretion by public bodies?

JUDGEMENT: The Court of Appeal, in a judgment delivered by Lord Greene MR, found that the decision of Wednesbury Corporation was not unreasonable, even though the cinema operator argued that the decision was overly harsh and detrimental to public interest.

JURISDICTIONAL ERROR: If an agency makes a mistake in interpreting or applying the law, this can provide grounds for judicial review.

ANISMINIC LTD V FOREIGN COMPENSATION COMMISSION (1969)⁸⁵⁰

FACTS: Anisminic Ltd applied for compensation under the Foreign Compensation Act 1950. The

⁸⁴⁷ MINERVA MILLS V UNION OF INDIA 31ST JULY, 1980

⁸⁴⁸ RIDGE V BALDWIN (1964) AC 40

⁸⁴⁹ ASSOCIATED PROVINCIAL PICTURE HOUSE V WEDNESBURY (1947) 1 KB 223

⁸⁵⁰ ANISMINIC LTD V FOREIGN COMPENSATION COMMISSION (1969) 2 AC 147

Foreign Compensation Commission rejected the claim, stating that the claimant did not meet the statutory criteria. However, the Commission had made an error in interpreting the statute's requirements, and Anisminic argued that this amounted to a jurisdictional error.

ISSUES: Whether a decision by the Foreign Compensation Commission was invalid due to jurisdictional error.

JUDGEMENT: The House of Lords held that the Commission's mistake in law was a jurisdictional error. Even though the enabling statute provided that the Commission's decision was final, the Court found that the Commission had exceeded its legal powers by making an error of law.

PROPORTIONALITY: the decision is disproportionate to such an extent that it stuns the judicial integrity, the court would meddle.

HIND CONSTRUCTION CO V WORKMEN (1965)⁸⁵¹

FACT: The case involved Hind Construction Co. Ltd., a construction company that employed a group of workmen. The workmen had raised a claim for certain benefits and dues (such as wages and gratuity) owed to them under their employment agreement. However, the company had refused to grant these benefits, leading to the dispute. The workmen sought the intervention of the Industrial Tribunal under the Industrial Disputes Act, 1947, to resolve the dispute and compel the company to pay the benefits. The main issue before the Tribunal was whether the company was liable for the payments and whether it had acted within the scope of its legal powers in refusing to pay the workers.

ISSUE: Whether a public authority's decision to reject a claim for benefits is valid when the authority acts beyond its legal jurisdiction or makes a decision that is unreasonable.

JUDGEMENT: The Supreme Court of India ruled in favour of the workmen, holding that the

Industrial Tribunal had the jurisdiction to decide the matter and that the decision to award the workers their benefits was reasonable.

LEGITIMATE EXPECTATIONS: If an individual has a legitimate expectation based on a promise or established practice, a sudden change without adequate justification may be grounds for judicial review.

REGINA V LIVERPOOL CORPORATION EX PARTE LIVERPOOL TAXI FLEET OPERATORS' ASSOCIATION (1972)⁸⁵²

FACT: The Corporation had given undertakings to the effect that the taxi drivers' licenses would not be revoked without their prior consultation. But the corporation acted in the breach of its undertaking.

ISSUE: Whether the Liverpool Corporation's decision was ultra vires (beyond its legal power) when it refused to grant licenses for additional taxi vehicles in the city.

JUDGEMENT: The court ruled that the taxi drivers had a right to be consulted.

JUDICIAL REVIEW ON ADMINISTRATIVE ACTIONS BY WRITS:

In India, the remedy available against violation of fundamental rights is through writs under Article 32 and 226 of the Indian constitution in Supreme Court and High Court respectively.

HABEAS CORPUS: It means "have the body". This writ is issued as an order calling upon the person who has detained another person to produce the detainee before the court of law. If the court finds out that the detention has been illegal or without legal justification, it will order for the immediate release of the detainee. The main aim is to punish the detainer and to release the detainee from unlawful detention.

SHEELA BARSE V STATE OF MAHARASHTRA (1983)⁸⁵³

FACT: Sheela Barse, a social activist and journalist, filed a public interest litigation (PIL) in

⁸⁵² REGINA V LIVERPOOL CORPORATION EX PARTE LIVERPOOL TAXI FLEET OPERATORS' ASSOCIATION (1972) 2 QB 299

⁸⁵³ SHEELA BARSE V STATE OF MAHARASHTRA (1983)

⁸⁵¹ HIND CONSTRUCTIONS CO V WORKMEN (1965) AIR 917

the Supreme Court of India regarding the treatment of women prisoners in the Maharashtra state prisons, particularly in the Bombay Central Jail. The petitioner alleged that female prisoners were being kept in inhumane conditions and were subjected to physical and mental abuse by the prison authorities. Sheela Barse had visited the prison and found that women prisoners were being denied basic human rights, including access to adequate food, health care, and sanitary conditions. The case arose from concerns about the abuse of prisoners' rights and the failure of the state authorities to uphold the constitutional guarantees under Article 21 of the Indian Constitution (the right to life and personal liberty) and the provisions of the Prisoners Act, 1894. The petition was not initiated by the prisoners themselves but by Sheela Barse in her capacity as an activist highlighting the plight of female prisoners.

ISSUE:

- Whether the adverse treatment experienced by female prisoners is justifiable or not?
- Whether the mistreatment of female prisoners can be deemed a violation of the rights protected under Article 21 of the Constitution?
- Whether it is the responsibility of State Authorities to provide legal counsel to prisoners or not?

JUDGEMENT: The Supreme Court of India, under Justice P.N. Bhagwati, acknowledged the importance of human rights in the context of prisoners and ruled that the state had a constitutional responsibility to ensure the protection of the fundamental rights of prisoners, including decent living conditions in prisons. The Court held that prisoners, though convicted, did not lose their basic human dignity and fundamental rights.

MANDAMUS: It means 'to command the public authority' to perform its duty. It is a command given by the higher courts (High Courts and

Supreme Court) to the Government, inferior courts, tribunals, corporations, authorities or any other person to do any act or refrain from doing an illegal act. The purpose of this writ is to compel the performance of public duties and to keep control over the activities of the administration.

JOHN PAILY AND ORS V STATE OF KERALA⁸⁵⁴

FACT: The case arose from a dispute over the appointment of additional public prosecutors by the State of Kerala under the Kerala High Court Act, 1958. The petitioners (John Paily and others), who were senior advocates, contested the appointment of certain individuals as public prosecutors, claiming that the appointments were not made in accordance with the law and were violative of the separation of powers and constitutional provisions. The petitioners contended that the State of Kerala had violated the principles of fairness and independence of the judiciary in its appointments to public offices. Specifically, they argued that the state had undermined the independence of the judiciary by appointing individuals who had close ties with the executive, thus influencing the judicial process.

ISSUE: Whether certain provisions under the Kerala High Court Act and the Indian Evidence Act violated constitutional principles.

JUDGEMENT: The Court upheld the constitutionality of the Kerala High Court Act, but emphasized the need for ensuring that appointments to public offices, especially in the judiciary, must be made based on merit and without political influence or interference. The independence of the judiciary was underscored as a fundamental principle of the Indian Constitution, and any act that compromised this independence would be unconstitutional.

QUA WARRANTO: The word 'quo warranto' means by what authority. Such writ is issued against a person who usurps a public office. The court directs the concerned person to show by what authority he holds that office. The

⁸⁵⁴ JOHN PAILY AND ORS V STATE OF KERALA

unauthorized or illegal usurper would be removed by judicial order and the right person belonging to it would be entitled to it.

G. D KARKARE V. T.L SHEVDE (1952)⁸⁵⁵

FACT: G.D. Karkare, a municipal officer, filed a suit against T.L. Shevde, an employee of the municipal corporation. The dispute revolved around actions taken by Shevde, which Karkare alleged were wrongful. Multiple legal proceedings ensued, leading to various judgments and orders.

ISSUE: Whether a matter that had been previously adjudicated could be re-litigated in subsequent proceedings.

JUDGEMENT: The court ruled that *res judicata* applied in this case, meaning that once a matter had been decided by a court, it could not be re-litigated or brought up again in a subsequent case. The court emphasized that this principle ensures finality in judgments, prevents frivolous litigation, and maintains the integrity of the judicial system.

PROHIBITION: Prohibition is issued by a superior court to an inferior court or tribunal or body exercising judicial or quasi-judicial functions to prevent them from exceeding their jurisdiction. It is based upon the maxim 'Prevention is better than cure'.

UNION OF INDIA V SHRI HARBHAJAN SINGH DHILLON (1972)⁸⁵⁶

FACT: In this case, the petitioners challenged an action by the customs authorities, which was alleged to exceed their statutory powers.

ISSUE: Whether the writ of prohibition can be issued to stop authorities from acting outside their legal jurisdiction.

JUDGEMENT: The Supreme Court ruled that the writ of prohibition is applicable when a tribunal, court, or authority acts outside its jurisdiction, or does something it is not legally empowered to do. The writ was sought to prevent the customs

authority from taking action it had no power to take.

CERTIORARI: This writ is issued by the Superior Courts to the inferior court or tribunal or body which may exercise judicial or quasi-judicial functions, for the correction of jurisdiction or error of law committed by them. If any order passed by them is illegal, then the Superior Court may quash or demolish it.

THE UNIVERSITY OF MADRAS V SHANTA BAI (1954)⁸⁵⁷

FACT: The issue in this case arose when the University of Madras dismissed a teacher, Shanta Bai, on the grounds of alleged misconduct. She challenged the dismissal, claiming that the university had acted beyond its jurisdiction and violated the principles of natural justice. The dismissal order was not accompanied by a fair hearing.

ISSUE: Whether the writ of certiorari could be issued to quash the university's decision, and whether the principles of natural justice were violated.

JUDGEMENT: The Supreme Court held that the writ of certiorari was applicable in this case. The Court found that the university had not given the teacher an adequate opportunity to defend herself and thus acted in violation of the principles of natural justice. Consequently, the dismissal order was quashed.

SIGNIFICANCE: The writ of certiorari can be issued to quash an order if the authority has acted beyond its jurisdiction or violated natural justice.

CONCLUSION: Judicial review of administrative action is, in a sense, the heart of administrative law. It is an excellent way of inquiring into the legal competence of a public authority. Judicial review is considered to be the basic feature of our Constitution. Judicial review of administrative action plays a vital role in upholding the rule of law and protecting

⁸⁵⁵ G. D KARKARE V. T.L SHEVDE (1952) AIR 1952 Nag. 330(10)

⁸⁵⁶ UNION OF INDIA V SHRI HARBHAJAN SINGH DHILLON 1972 AIR 1061, 1972 SCR (2) 33

⁸⁵⁷ THE UNIVERSITY OF MADRAS V SHANTA BAI AIR 1954 MADRAS 67

citizens' rights in India. It ensures that administrative authorities exercise their powers judiciously, within the limits of the law, and in a fair, reasonable, and transparent manner. judicial review ensures that while administrative authorities have the power to make decisions, they cannot act arbitrarily or beyond their legal limits. It is vital in preserving democratic governance and protecting individual freedoms in the face of executive action.

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