
JUDICIAL DEFERENCE TO ADMINISTRATIVE EXPERTISE: BALANCE BETWEEN LAW AND POLICY

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ABSTRACT

Administrative decision-making in India has become more complex as regulatory organisations, specialised agencies, and policy-driven governance have grown in number. The court, as the custodian of constitutional law, is frequently faced with the difficult task of assessing how much it should intervene in administrative operations requiring technical or policy knowledge. Judicial deference, or the idea that courts should accept the specialised knowledge of administrative authorities, is critical to institutional harmony and efficiency. However, undue deference threatens to undermine the norms of accountability and legality.

This study examines how Indian courts have addressed judicial deference to administrative expertise. It traces the growth of the doctrine through constitutional principles, judicial interpretations, and administrative reforms. Drawing on sources such as the Second Administrative Reforms Commission (ARC) Report, this study advocates for a balanced framework that permits courts to verify legality while also recognising administrative discretion. Comparative observations from the United Kingdom and the United States are also examined to provide a global perspective. The study finishes by providing research-based remedies for a clearer philosophy of judicial deference in India that balances administrative autonomy and constitutional duty.

Keywords: Judicial Deference, Administrative Law, Policy Review, Separation of Powers, Administrative Expertise, Indian Judiciary, Governance, Accountability.

1. INTRODUCTION

In today's modern welfare state, the governance is vast and complex, hence, specialized agencies such as tribunals, regulatory authorities, ministries and commissions play a crucial role in discharging policies which intersects its pathway with the law, technical expertise and modulated judgement¹. These bodies handle a wide variety of matters by creating a detailed rules and regulations to give effect to laws passed by the legislature ranging from business operations and telecommunication to environmental protection and financial regulation.²

Taking an example where, the demonetization was announced by Government of India in 2016, which was a significant and efficient monetary policy verdict taken by the executive in discourse with the Reserve Bank of India. But this took a sequent turn and petitions were filed as of challenging this move, and henceforth Supreme Court had taken the decision, as to further evaluate the circumspection of the respective policy or just its legality. in the above instance, the question arises that, should the magistrate assess the economic reasoning of demonetization or defer to the executive of the financial expertise and the RBI?³

This vicious circle, the judicial deference to administrative expertise, it lies as a cornerstone of administrative law in India. However, judiciary being as an endorsement of rule of law, it cannot close its eyes when executive arbitrariness comes to light. In spite of challenging circumstances, excessive intervening of judicial might lead to administrative inefficiency and violating the separation of powers.

From the case of Vineet Narain v. Union of India (1988), to BALCO Employees Union v. Union of India, 2002, which takes us through the gripping growth from the periods of judicial activism⁴ to the stages of judicial restraint. And also, which was explicitly mentioned in the Second Administrative Reforms Commission (ARC)⁵ highlighted that the court cannot intervene in between the decisions of the Executive, until the decision is otherwise, (ARC, 2008, Reports on "Ethics in Governance.")⁶

¹ I.P. Massey, *Administrative Law* 8 (10th ed. 2020).

² M.P. Jain, *Principles of Administrative Law* 12 (9th ed. 2021).

³ Raeesa Vakil, *Constitutionalizing Administrative Law in the Indian Supreme Court: Natural Justice and Fundamental Rights*, 16 *Int'l J. Const. L.* 475 (2018).

⁴ T.R. Andhyarujina, *Judicial Activism and Constitutional Governance*, 2 *SCC J.* 1 (2003).

⁵ Department of Administrative Reforms & Public Grievances, *Reforms in Governance: A Report* (Ministry of Personnel 2020).

⁶ Second Administrative Reforms Commission, *Ethics in Governance* (Gov't of India 2008).

This paper explores how the created tension is mediated by the Indian judiciary, which seeks equilibrium laws and policy between the administrative expertise and conditional oversight.

2. RESEARCH PROBLEM

As the governance has the executive power, judicial review is recognized as a check box on the same, here, there is no specific framework or doctrinal structure which defines how or when courts should defer to administrative expertise.⁷ Even on multiple rulings of Supreme Court, emphasizes prudence in policy matters, where, Indian Jurisprudence still lacks a structured principles which is equal to Chevron deference⁸ (U.S.) or Wednesbury unreasonableness (U.K). However, this inconsistency which conducts to non-tracing of judicial reasoning, where courts display majority restraint in the subject of public importance⁹, on the other hand, it strongly proceeds into the matter of policy decisions.

Therefore, the research problem is:

Hoes do the Indian courts creates the balance between the doctrinal of judicial review with the requirement of deference to administrative expertise, without compromising the rule of law and constitutional accountability¹⁰?

3. RESEARCH QUESTIONS

1. How does Constitution and Jurisprudence stands as a basis for judicial deference to administrative expertise?
2. How did the Indian Court create a balance between the judicial review with judicial discretion in policy-making decision?
3. What are the lessons can India learn regarding judicial deference from United States and The United Kingdom?
4. To maintain balance between law and policy in Indian administration, what are the research-

⁷ Gautam Bhatia, *Judicial Review and the Separation of Powers in India*, 8 *Indian J. Const. L.* 45 (2014).

⁸ *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

⁹ Department of Administrative Reforms & Public Grievances, *Reforms in Governance: A Report* (Ministry of Personnel 2020).

¹⁰ Justice Ruma Pal, *Judicial Accountability and Independence in India*, 18 *NUJS L. Rev.* 213 (2016).

based framework can be suggested?

4. LITERATURE REVIEW

The Scholarly discussion where, as the rise of the regulatory state has been expanded in India on Judicial deference, H.M.Seervai and I.P.Messy¹¹ foregrounded that, the role of courts is to ensure to protect legality, accountability, transparency and fairness without intruding upon policy-making.

In the case of Upendra Baxi¹² and Arun K. Thiruvengadam, the court has analyzed the judicial oversight, which ordinarily drifts into governance despite pronouncing, which weakens the separation of powers. In contrast, Justice Rama Pal¹³. Noticed that immoderate control which could lead to standing out of judicial responsibility, especially violations, is at pale.

The Centre for Policy Research (CPR), where it revealed that Indian courts have exhibited that the degrees have varied for deference, which depends on the matter handled, It might be maximum in economic policy and minimum in environmental or critical welfare issues.

This mentioned inconsistency pressures the need for a qualitative framework, in which constitutional morality and administrative accountability becomes the foreground.

5. RESEARCH METHODOLOGY

This paper relies on the primary legal sources that is, constitutional provisions, judicial decisions and administrative reports, hence the paper adopts a doctrinal and analytical methodology. The Second sources includes, the Second ARC Report¹⁴ and articles written by scholars and comparative analysis from other jurisdictions. The comparative legal studies are made to situate the India's place parallel to United States and United Kingdom, focuses on how the legal system mentioned in the paper gestates the connection between judiciary and administration.

6. JUDICIAL INTERPRETATION AND INDIAN PERSPECTIVE

In spite of the formulated statutory, the Judicial deference has been advanced via constitutional

¹¹ I.P. Massey, *Administrative Law* 8 (10th ed. 2020).

¹² Upendra Baxi, *The Crisis of the Indian Legal System* 53 (1982).

¹³ Justice Ruma Pal, *Judicial Accountability and Independence in India*, 18 *NUJS Law Review* 213 (2016).

¹⁴ Second Administrative Reforms Commission, *Ethics in Governance* (Gov't of India 2008).

interpretation.

The scope of executive authority is defined under Article 73 and 162 of the Indian Constitution and court has power to ensure that administrative decisions which are done, are not arbitrary under Article 14 (equality before law) and Article 32 (Judicial review) of the Indian Constitution.

The need for restraint policy matters have repetitively endorsed in Indian courts. Consider, for instance, the courts highlights that the administrative agencies procure better understanding and availability to particular data under the specialized matter of economic or fiscal policy. However, the courts have intervened where decisions violated the fundamental rights in welfare of environmental cases.

The Second ARC Report (2008)¹⁵, noticed that “the intervene of judicial review into the formulated policy, it has always the record of decision making or erased the administrative confidence,” it also recommended that, the initiation of judicial training and specialized tribunals in policy estimation to improve the coordination.¹⁶

Therefore, the judicial deference plays its role as a context-specific principle, which is determined by the subject matter rather than a rigid doctrinal rule.

7. COMPARITIVE PERSPECTIVE

(a) United States- Chevron Deference

Chevron U.S.A. Inc. v. NRDC (1984)¹⁷, the U.S. Supreme Court held that, courts should go through the reasonable interpretations of cryptic statutes and also should defer to administrative bodies, within their expertise. This framework lies on two steps:

1. Whether the issues are directly spoken by the Congress?
2. If not, the interpretation of administrative agencies are reasonable.

This approach, ensures the maintain of legislative supremacy, there by parallel to provide

¹⁵ Second Administrative Reforms Commission, *Ethics in Governance* (Gov't of India 2008).

¹⁶ *Council of Civil Service Unions v. Minister for the Civil Service (GCHQ Case)*, [1985] AC 374 (HL).

¹⁷ *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

respect for administrative expertise.

(b) United Kingdom- Wednesbury Principle

The Principle of Wednesbury Unreasonableness (1948), the U.K, which sets its boundaries of judicial intervention into the cases where decisions are irrational or on the contrary to the principle of natural justice. Courts normally avoid replacing their judgement from the administrator which hence, it rather focuses on procedural fairness and reasonableness.

(c) Lessons for India

As India does not have any formal codified law likewise Chevron, therefore, Indian Jurisprudence follows the Wednesbury doctrine. However, the combination of judicial review with socio economic rights is lead in India's Constitutional structure, here, it requires a hybrid-offer which blends deference with accountability.¹⁸

8. ANALYSIS: BALANCING LAW AND POLICY

As India follows a parliamentary form of government, it consequently has dual responsibility to look after, and the Constitutional legality and Policy Adaptability¹⁹ is one among the responsibilities.

The tension that shapes this balance are:

1. Policy discretion v. judicial review: The courts should obtain legality without intervening into the formulated policy.
2. Expertise v. Accountability: Administrative agencies must retain the technical knowledge, on the same hand, it should remain fair and transparent.
3. Efficiency v. Rights Protection: The excessive judicial intrude, that can lead to delay in governance and excessive deference can weaken the protection of citizens.

¹⁸ Arghya Sengupta, *Deference in Judicial Review of Administrative Action: Lessons for India*, 23 Nat'l L. Sch. India Rev. 1 (2011).

¹⁹ Department of Administrative Reforms & Public Grievances, *Reforms in Governance: A Report* (Ministry of Personnel 2020)

The solution for the same lies in structing and gripping the doctrine of proportional deference²⁰, as the potency of judicial review differs according to:

- The technical/economic/social policy nature
- The mandatory of statutory application.
- The intensity impact of Fundamental rights.

For instance, in the matter which involves environment, human rights and public health, maximum amount of scrutiny and minimum amount of deference may be legitimized. In contrast, the Economic regulation and pricing, higher deference is significant.

9. RESEARCH FINDINGS

1. Non-availability of an appropriate or formal doctrine: As inconsistent judgments is the topic of the room, the lack of codified principle for judicial deference is the reason behind it.

2. Circumstantial instability: Depending on political or public point of view, the courts alternate between activism and restraint,

3. Departmental gaps: The major reason where courts intervene is that, administrative expertise often fail to maintain fair and transparency standards.

4. Judicial burden: The litigation which ordinarily initiates from unclear administrative accountability, overloads the judiciary.

10. RESEARCH SOLUTIONS AND RECOMMENDATIONS

1. Codification of a formal deference: Same as the Doctrine of Chevron, Parliament or the Supreme Court could evolve a structured test for the same, which guides when the deference should be applied, especially in expertise and technical matters.

2. Administrative Reasoning: The Administrative order must be stated with clear reasoning, references to the produced data and evidence to make judicial decisions as efficient

²⁰ P.P. Craig, *Proportionality, Rationality and Review*, 2001 *Pub. L.* 551.

as possible.²¹

3. Judicial training in policy comprehension: The capacity-building programs via the Second ARC Report (2008) suggests the sensitization of judges to policy evaluation frameworks.

4. Administrative or tribunal expertise: The judicial burden is reduced through the creation of expert tribunals in areas such as environment, finance and technology, which further enhances the domain-specific justice.^{22 23}

5. Guiding Principle of Constitutional morality: The Constitutional values must ensure that judicial review is acting upon fairness, non-arbitrariness and reasonableness, despite of personal ideology and populism.

11. CONCLUSION

The Judicial deference to administrative expertise is not a gesture of judicial weakness but a mirror of constitutional morality. In a welfare state like India, courts must respect the administrative autonomy while being on the page of legality and fairness because the modern governance, relies majorly on specialized technicalities and knowledge.

The balance between law and policy can overcome through governmental dialogue and not conflict. As the Second ACR report Commission noted that, “Each organ of the state must respect and oblige the domain of the other, and also maintain as a constitutional lookout”.²⁴

Hence, the future of Indian Administration relies on the growth of principled doctrine of structure deference, where one promotes efficiency, respects expertise and safeguards citizen’s rights.

²¹ Press Information Bureau, Government of India, *Administrative Reforms and E-Governance* (2023), <https://pib.gov.in>.

²² Law Commission of India, *Reforms in Tribunals Framework* (2017).

²³ PRS Legislative Research, *Judicial Reforms and Accountability in India* (2021).

²⁴²⁴ Second Administrative Reforms Commission, *Ethics in Governance* (Gov’t of India 2008).

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