
JUDICIAL REVIEW OF ADMINISTRATIVE INACTION IN INDIA – THE PROPORTIONALITY TEST VS. THE WEDNESBURY TEST

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ABSTRACT

A modern democracy premised upon the principle of the rule of law entrusts the administrative authorities with broad discretionary powers to operationalise statutory objectives and to administer public duties. However, when the administrative bodies fail or refuse to act on an obligation, then such inaction and discretion would be amenable to judicial review. This research paper aims at examining the two primary standards of judicial scrutiny – the Wednesbury test of reasonableness and the proportionality test. The importance of understanding the interaction and the distinction between the two tests lies in the need to appreciate the scope of judicial review in administrative law. It is essential for determining the practicality and fairness of employing these tests in ensuring both procedural and substantive justice in matters where administrative action or discretion is involved. This study undertakes a doctrinal analysis of statutory instruments, key judicial precedents to trace the application and the trajectory of these tests within Indian jurisprudence. At the outset, it clarifies the conceptual foundations of administrative inaction by delineating its definitional scope and types. Thereafter, it identifies the legal consequences of such inaction. In its essence, this research paper provides a comparative analysis of the elements, intensity and scope of the two tests. The paper concludes by observing the evolving Indian judicial approach in addressing administrative inaction.

Keywords: Judicial review, Wednesbury Test, administrative discretion, reasonableness, administrative inaction.

Research Objectives:

- 1) To analyse the legal framework governing the judicial review of administrative inaction.
- 2) To undertake a comparative examination of the Wednesbury test of reasonableness and the proportionality test as the core standards governing administrative discretion.
- 3) To critically evaluate the effectiveness and inadequacies of the two tests in ensuring accountability and protecting individual rights from arbitrary administrative inaction.

Research Questions:

- 1) Whether judicial review operates as an effective mechanism in ensuring accountable governance and preventing arbitrary administrative discretion?
- 2) Whether the conceptual and the jurisprudential foundations of the Wednesbury test and the proportionality test reflect distinct judicial approaches to administrative inaction?
- 3) Whether the power of judicial review is crucial in ensuring a balance between administrative autonomy and the need for accountability?
- 4) Whether the Wednesbury and the proportionality standards align with the principles of India's democratic and constitutional framework?

Research Methodology:

The research methodology adopted for this research paper is a doctrinal analysis. It encompasses a detailed assessment of the concept and the legal consequences of arbitrary administrative discretion and inaction. It involves an exhaustive examination of the conceptual and jurisprudential foundations of the Wednesbury Test of reasonableness and the proportionality test as a standard for judicial review of administrative inaction. Further, it also provides a thorough assessment of its application in the Indian context. It includes a comprehensive analysis of the advantages and the limitations of each of the tests. This study draws upon relevant comparisons with judicial precedents are drawn to concretise the contextual foundations.

Review of Literature:

- 1) Revisiting The Wednesbury Standard: A Study on Reasonableness and Judicial Restraint¹ -

Author: Apoorva Anand

Journal: Indian Journal of Law and Legal Research

Volume VII Issue II

This research paper provides a comprehensive analysis of the conceptual foundations and the principles of the Wednesbury test. Through notable judicial precedents it traces the evolution of the standards of judicial review of administrative inaction from the Wednesbury test to the proportionality test in the Indian judicial framework. It is a noteworthy observation made by the author that although the Wednesbury test is a yardstick for governing administrative discretion, it can become rigid and ineffective. However, the paper lacks adequate critical and theoretical evaluation regarding the justifications of judicial restraint or the reasons for the ineffectiveness of the tests in practice.

- 2) Administrative Action and the Doctrine of Proportionality in India² -

Author: Ajoy P.B.

Journal: IOSR Journal of Humanities and Social Science (JHSS)

Volume 1, Issue 6

This research paper explores the meaning, origins and the need for judicial review of administrative discretion. It provides a comparative assessment of the Wednesbury test and the proportionality test by analysis their applicability, advantages and the limitations. The paper criticises the Wednesbury test for being vague and void of objectivity. It is within this context that the research suggests how the proportionality test standards of judicial review

¹ Apoorva Anand, *Revisiting the Wednesbury Standard: A Study on Reasonableness and Judicial Restraint*, 7 *Indian J.L. & Legal Rsch.* 2163 (2023).

² Ajoy P. B., *Administrative Action and the Doctrine of Proportionality in India*, 1 *IOSR J. Hum. & Soc. Sci.* 16 (2012).

are becoming increasingly important. The author sheds valuable insights on to the concepts of judicial deference, judicial restraint and the margin of appreciation. However, the paper provides a limited empirical substance in explaining why the Indian courts have been reluctant to apply the Wednesbury test and the pressing need to increasingly apply the proportionality test.

3) Judicial Review of Administrative Silence in India: When Can Courts Compel Action?³ -

Author: Pragati Dwivedi

Journal: Indian Journal of Law and Legal Research

Volume VI Issue III

This research paper explores the concepts of judicial review of administrative inaction. The author provides for the legal implications and guidance to remedy the repercussions of arbitrary administrative discretion. It provides a comprehensive understanding regarding the stakes of administrative silence through various illustrations. The paper also discusses on the doctrine of legitimate expectation and circumstances where judicial intervention may be justified. The author has provided certain notable recommendations for reform. However, the narrative of the paper does not consider the risks of judicial overreach. A deeper discussion on the constitutional framework in light of the public law principles of fairness would have augmented the findings of the paper.

4) A Critical Analysis of Judicial Review of Administrative Actions in India: A Comparative Study with the United Kingdom ⁴ -

Author: Mandeep Kumar

Journal: Indian Journal of Law and Legal Research

Volume V, Issue IV

This research paper offers a comparative analysis of the mechanisms and the standards of

³ Ajoy P. B., *Administrative Action and the Doctrine of Proportionality in India*, 1 *IOSR J. Hum. & Soc. Sci.* 16 (2012).

⁴ S. Pragathi, *A Critical Analysis of Judicial Review of Administrative Actions in India: A Comparative Study with the United Kingdom*, 5 *Indian J.L. & Legal Rsch.* 3412 (2022).

judicial review as adopted in India and the United Kingdom. It throws light into the instruments of judicial control and the grounds for judicial intervention. It also addresses the concerns pertaining to judicial overreach or activism. The author has provided certain notable recommendations requiring the codification of the administrative law principles and has stressed on the greater inclusion of proportionality test as a review mechanism for arbitrary administrative action. However, the author could have engaged in a detailed discussion regarding the doctrinal foundations of the tests. A better explanation regarding the reasons and the implications of the difference in the application of the judicial review standards in the two countries would have augmented the research. Further the suggestions are largely generic and broad as they do not offer solutions that are practical and enforceable in real-time.

5) Critical Examination of the Evolution of the Doctrine of Proportionality within the Framework of Indian Administrative Law ⁵ -

Author: Cinta Johnson

Journal: EDU Journal of International Affairs and Research

Volume 3, Issue 1

This research paper discusses regarding the doctrine of proportionality and its applicability in India. The author emphasises on the need for judicial restraint over the administrative discretion to ensure accountability. This paper provides clarity regarding the interpretation of the various tests by citing cases discussing their applicability. Further, it also notes the risks and the criticism against the doctrine of proportionality. The author however, offers limited engagement with the need for the Wednesbury test of reasonableness. The underlying issues with the current standards and mechanisms are not adequately highlighted.

⁵ Cinta Johnson, *Critical Examination of the Evolution of the Doctrine of Proportionality within the Framework of Indian Administrative Law*, 3 *EDU J. Int'l Aff. & Rsch.* 6 (2024).

INTRODUCTION:

Administrative authorities are conferred with the power to exercise autonomy over decision-making power within the prescribed boundaries of the legal framework. The legislative and the judicial organs of the government through various instruments and mechanisms regulate administrative discretion to establish safeguards over the same.⁶ The need for administrative discretion is embedded in the inherent complexities and inefficiencies of the modern governance systems. Further, the need for flexibility and technical expertise in law making and enforcement renders administrative discretion pivotal. However, unchecked administrative discretion can lead to arbitrary decisions, abuse of power, violation of rights, erosion of public trust and reduced efficiency in administration.

Where an administrative authority is bestowed with an obligation under law to discharge a certain duty, and they fail to do so, it amounts to administrative inaction. This usually happens when the authorities are vested with wide discretion powers to not exercise their functions. The repercussions of the such inaction are large⁷. This is where the need for a check and balance mechanism arises. It is within this context that judicial review occupies a pivotal position. Functioning as a control mechanism, judicial review ensures that administrative authorities act within the bounds of law, justice and fairness and discharge their duties in accordance with their statutory mandates.

The Wednesbury test and the test of proportionality are two standards developed through judicial interpretation that guide the courts in scrutinising arbitrary exercise of power and administrative inaction. While the Wednesbury test, established in the case of *Associated Provincial Picture Houses Ltd v Wednesbury Corporation*⁸, is guided by the principle that administrative actions or decisions can be subject to judicial review only if they are so unreasonable and irrational that no authority could have reasonably arrived at, the proportionality test, on the other hand developed through cases like *Om Kumar v. Union of India*⁹, hold the view that judicial review of administrative action or inaction is justified only when it is necessary and proportionate to the legitimate aim that the authority aims to achieve.

⁶ Sir David G.T. Williams, *Law and Administrative Discretion*, 2 Ind. J. Global Legal Stud. 191 (1994).

⁷ Mirlinda Batalli, *Consequences of Administrative Silence in Public Administration*, 20 SEER: J. for Labour & Soc. Affs. in E. Eur. 139 (2017).

⁸ *Associated Provincial Picture Houses Ltd. v. Wednesbury Corp.*, [1948] 1 K.B. 223 (Eng.).

⁹ *Om Kumar v. Union of India*, (2001) 2 S.C.C. 386 (India).

Chapter 1 – Conceptual Foundations: Administrative Inaction

Administrative inaction is a comprehensive term used to denote a range of situations where an administrative authority abdicates its legal duty by refusing or omitting to exercise its discretion. This failure may assume itself in many forms such as inaction in the area of decision making, policy implementation, application of discretion and unreasonable delay. The end result of such failure is arbitrary encroachment of individual rights and bureaucratic inefficiency. It is in these situations that the judiciary intervenes to compel action. Administrative authorities have specialised functions that are unique to their domain. When they adopt general routine methods and resort to mechanical governance, the inevitable outcome is injustice and bureaucratic paralysis¹⁰.

Where there is a failure to act, the said conduct will be subject to judicial review. It is not a positive conduct that gives rise of administrative inaction, it is the deliberate refusal to act or decide that is condemnable. Stemming from wilful inaction, organisational rigidity, strategic avoidance and limited institutional capacity, the widespread implications of each of these warrant judicial review.¹¹ The rationale behind granting administrative authorities delegated power lies in the fact that the legal framework recognises that such authorities are best suited to exercise those powers, owing to their flexibility and technical expertise on the subject matter. When these authorities fail to discharge their duty, this very goal of delegating power is defeated. When authorities are bestowed with discretionary power, there is a legitimate expectation that they will exercise the same with reasonable care and meticulous attention to the peculiarities of each case. This kind of mechanical exercise of power without due consideration renders such actions amenable to judicial review.¹²

The instrument of judicial review empowers to court to examine the legal validity, propriety and the rationality behind administrative actions. In India, the Supreme Court¹³ and the High Courts¹⁴ are granted with the power to issues writs or directions compelling administrative

¹⁰ Priyansh Agarwal, *Consequences of Failure to Exercise Administrative Discretion: A Study in Indian Administrative Law*, 5 Indian J. Legal Rev. 486 (2025).

¹¹ Lisa Schultz Bressman, *Judicial Review of Agency Inaction: An Arbitrariness Approach*, 79 N.Y.U. L. Rev. 1657 (2004).

¹² Robin Jaiswal, *Failure to Exercise Administrative Discretion: A Critical Analysis*, 8 Int'l J.L. Mgmt. & Human. 1985 (2025), <https://doi.org/10.1000/IJLMH.1110655>.

¹³ Constitution of India, Article 32.

¹⁴ Constitution of India, Article 226.

bodies to adhere to discharge their obligations in adherence with the legal mandate. In addition, the legal backing for striking down arbitrary actions lies in Article 13 of the Constitution of India, which declares that any law inconsistent with the fundamental rights enshrined in part three of the constitution shall be void. Besides this, the courts have also developed various standards such as the Wednesbury test of reasonableness and the proportionality test to check on administrative inaction.

The implications of administrative inaction are evident in the areas of social governance. The courts in a number of cases have discussed upon the exercise of judicial power in the ambit of administrative discretion. In the case of *State of Himachal Pradesh & Anr vs Umed Ram Sharma & Ors*¹⁵, the public works department was responsible for the construction and maintenance of the roads. However, the authorities failed to perform this duty and as a result the resident of the said areas were completely cut off from any access to essential public services. It was only after a writ petition was filed, that the administrative authorities acted according to the urgency of the situation.

Another landmark judgement where inaction on the side of a municipal council caused health hazards and public nuisance. The court in *Municipal Council, Ratlam vs Shri Vardhichand & Ors*¹⁶, the authorities failed to maintain the drainage system in a locality. The council tried to mask its failure by citing financial inability. It was only after court interference that the municipal council performed its administrative responsibility.

Administrative inaction may also manifest in the form of unreasonable delay in discharging functions. In the case of *Lilawati Mishra vs The State of Bihar*¹⁷, a certain department of the government indefinitely delayed the payment of salary, retiral dues and other benefits to an employee. The authorities clearly cause great prejudice and stripped the individual of his rights and dignity.

In the case of *R (O & H) v Secretary of State for the Home Department*¹⁸, the home office of the government had unreasonably delayed in approving and issuing the formal documentation

¹⁵ *State of Himachal Pradesh v. Umed Ram Sharma*, (1986) 2 SCC 68 (India).

¹⁶ *Municipal Council, Ratlam v. Vardhichand*, (1980) 4 SCC 162 (India).

¹⁷ *Lilawati Mishra v. State of Bihar & Ors.*, CWJC No. 6852 of 2021 (Patna H.C. May 11, 2022) (India)

¹⁸ *R (O & H) v Secretary of State for the Home Department*, [2006] EWHC 3513 (Admin) (High Court of England & Wales, Administrative Court).

of the immigration applications. The court found that such inaction violates the principles of fairness and legitimate expectation and needs to be corrected.

Chapter 2 – The Wednesbury Test of Reasonableness

The Wednesbury Test of reasonableness is a foundational standards guiding courts while they exercise judicial review over administrative inaction. The test was laid down in the case of *Associated Provincial Picture House Ltd vs Wednesbury Corporation*¹⁹. In this case, the Wednesbury Corporation had the authority to grant cinema license to companies are operating houses. While issuing a license to Associated Provincial Picture House Ltd, the corporation, included a condition that children under the age of fifteen are not permitted to any attend any shows on Sunday. The court was troubled with the determination as to whether the condition was reasonable or arbitrary. Ordinarily, the courts interfere with administrative actions only when there is a prima facie contravention of the law. When the law has bestowed upon an authority a certain discretion power, the authority has the duty to exercise the same. The court opined that the decision of an authority or the exercise of discretion is only unreasonable and contrary to law, when it is so absurd that no authority with ordinary and reasonable competence would take it. Although the court upheld the condition imposed, this case paved the way for the establishment of the Wednesbury test of reasonableness, which continues to be a cornerstone in the administrative law²⁰.

The Wednesbury test applies to administrative inaction as well. Where an authority fails to exercise their function in absolutely unreasonable and absurd manner, the courts will intervene through judicial review. Inaction can be of three primary types - the refusal to discharge an obligation, unreasonable delay and mechanical exercise of discretion. Administrative inaction if it is within the bounds of the law reasonableness and public interest, only then it is valid.²¹

The Wednesbury test, however sets the threshold so high that it imposes a limitation on judicial intervention. The courts can interfere only in cases where the inaction is manifestly unreasonable and patently arbitrary. For instance, regarding the first prong of administrative inaction: refusal to discharge an obligation. The courts cannot intervene merely because the authority has not acted or where the public is opposed to the decision of the body to not perform

¹⁹ *Associated Picture House v Wednesbury Corporation* (1947) 2 All ER 74 (CA)

²⁰ Padmalaya Kanungo, *Wednesbury Principle and Control of Executive Actions*, 2 Jus Corpus L. J. 114 (2021).

²¹ *Tci Seaways Ltd. v. Food Corp. of India, Regional Office*, 2002 (6) ALD 685; 2002 (6) ALT 760 (India).

the function. Intervention is justified only when the refusal is irrational and absurd. It is not mere refusal that is condemned, it is only extreme cases which involve serious consequences.

The second prong of administrative inaction is unreasonable delay. It is to be noted that only delay that it is without justification and for indefinite periods that will be subject to review. Ordinary delays are exempted from any form of judicial examination. Where there are serious consequences or prejudice or violation of statutory obligations, judicial review is triggered.

The third prong: mechanical exercise of administrative discretion. These so-called actions are essentially ineffective and tantamount to inaction, since it fails to achieve the intended outcome and the statutory purpose. Such routine exercise of discretion is open to judicial scrutiny only when there is total abdication of the responsibility, that is when the authority performs its duty without any regard to the circumstances of the case, ultimately causing significant harm.

Courts have applied the test of reasonableness to examine the functioning of administrative authorities. In *M/s Indo Nissin Foods Pvt. Ltd. v. Food Safety and Standards Authority of India*²², there was an extraordinary delay by the FSSAI in passing a certain order. Such inaction was condemned for being unreasonable and arbitrary. In other cases, like *R (HA (Nigeria)) v Secretary of State for the Home Department*²³ and *R (on the application of M) v Criminal Injuries Compensation Authority (CICA)*²⁴, the court stressed that prolonged administrative inaction is unreasonable and that judicial review is a crucial measure to correct such inaction and ensure accountability and fairness.

Chapter 3 – The Proportionality Test

The core idea behind the test of proportionality is that the exercise of discretion, actions and decisions of the administrative authorities needs to be proportionate and appropriate to achieve a legitimate objective. The application of the test of proportionality requires an examination of the aim, the rationality of the action, necessity and overall proportionality and appropriateness. Disproportionate measures are arbitrary and encroach upon the rights of individuals. While

²² *M/s Indo Nissin Foods Pvt. Ltd. v. Food Safety and Standards Authority of India & Ors.*, W.P.(C) No. 10477 of 2025, Orissa H.C., June 20, 2025.

²³ *R. (on the application of HA (Nigeria)) v. Secretary of State for the Home Department*, [2012] EWHC 979 (Admin).

²⁴ *R. (on the application of M) v. Criminal Injuries Compensation Appeals Panel*, [2003] EWHC 243 (Admin).

examining such measures, the courts need to look into the aim and the aftermath of the action.²⁵ The courts ought to balance the right and need of the administrative authorities to take a particular decision and repercussions on individual rights and liberties. The test of proportionality ensures that administrative discretion is not biased, random, oppressive or arbitrary. The key factors that the court has to take into consideration is the rationality of the measure and the extent of injury caused.²⁶

In the context of administrative inaction, the test of proportionality occupies a unique position. The test can be used as a defence by the administrative authorities; at the same time, it may also subject their actions to judicial review. When inaction on part of the authorities is due to a legitimate cause or is undertaken to ensure other compliance, then the same may be justified. For instance, if a particular industry (dealing with the production or processing of hazardous substances and metals or release of toxins) has to be established in a 'critically sensitive' area (residential, hospital, public spaces), it would require prior environmental clearance. A minor or reasonable delay in granting approval to ensure compliance with safety and environmental standards would be justified. Although on part of the administrative authorities there is inaction (delay), it is proportionate to the legitimate aim that the authorities aim to achieve.

An assessment of the harm caused due to the administrative inaction is to be examined. Where the repercussions of the inaction are severe and widespread, the test of proportionality fails and the authority will be subject to scrutiny through judicial review. For instance, where the authorities cause inordinate delays in the granting environment clearance for a factory where a majority of the population is employed or which is engaged in the provision of essential services in the area. In such cases, the delay may not be justified considering the impact on the livelihood and public interest.

Application of the proportionality test also requires due consideration of the rationality of the measures. An irrational inaction cannot be justified under the pretext of achieving a rational objective. A mere claim by the administrative authority that the inaction was to achieve a legitimate objective, does not justify improper, irrational and arbitrary measures taken by them.

²⁵ Kawale, Dhriti Anil, *A Critical Evaluation of Doctrine of Proportionality in Administrative Law*, 6 Int'l J. L. Mgmt. & Hum. Rts. 1643 (2022).

²⁶ Selma G.S., *Comparative Jurisprudence: Unravelling the Doctrine of Proportionality in the USA, UK, and India*, 7 Int'l J. L. Mgmt. & Humanities 1174 (2024).

In the case of *Om Kumar and Ors. Vs. Union of India*²⁷, the court applied the proportionality test over administrative discretion. In the instant case, the allegation pertained to differential penalty imposed by the Delhi Development Authority for a certain misconduct. The court held that the benefits and the adverse effects of the legislation need to be balanced. The court upheld the punishment given since; it was proportional and not absurd. The court also introduced the three-step test: rationality, proportionality and fairness. In another case²⁸ where an employee's services were terminated for misconduct merely for reporting the non-payment of overtime dues, as the authorities felt that the said act aimed at bringing disrepute to the authority. The court while dismissing the claim of the authority, held that the authority was at fault in two ways: first, by inaction as they failed to pay the dues and second by imposing a disproportionate penalty on the employee by terminating his services.

In essence, through the application of this test, the judiciary exercise a check over administrative action and inaction to ensure that the administrative authorities function well within the bounds of the legal framework and public interest.

Chapter 4 – Comparative Analysis

The *Wednsbury* test and the test of proportionality differ significantly in terms of the intensity and extent of judicial intervention permitted. While the *Wednsbury* test sets a higher threshold, allowing review only when the discretion exercised or the inaction is so unreasonable that no authority could have arrived at, the proportionality test on the other hand, allows for a broader and more intense review of administrative inaction, thereby expanding the scope of judicial intervention.

These two tests diverge significantly in their philosophical and jurisprudential foundations. The *Wednsbury* test requires proof of unreasonableness, whereas the proportionality test involves a structured inquiry into the legitimacy, rationality, necessity and overall proportionality of administrative inaction, the objective and the consequences.

Administrative inaction unlike administrative action does not involve a positive act, it is rather the failure to discharge a legal obligation. In modern governance, the principle of separation of

²⁷ *Om Kumar & Ors. v. Union of India & Ors.*, (2000) 7 SCC 355 (India).

²⁸ *Management of the Federation of Indian Chambers of Commerce & Industry v. Their Workman Shri R.K. Mittal*, AIR 1972 763; 1972 1 SCC 40 (India).

powers and administrative autonomy further restricts judicial intervention. Establishing the standards of proportionality and unreasonableness is relatively difficult in the context of administrative silence.

The Wednsbury test of reasonableness, despite being the cornerstone of judicial review over administrative discretion, has its own limitations, which has prompted the courts to adopt the proportionality test. The Wednsbury test is based on the principle of judicial deference, which permits limited judicial interference as it assumes that the administrative authorities are better suited to make the technical and policy decisions. However, this principle can shield administrative arbitrariness and compromise accountability. Besides this, the test also suffers from the requirement of an extremely high threshold for intervention, the absence of a structured analysis of standards of unreasonableness and the possible neglect of public interest.

The proportionality test, on the other hand, might undermine administrative autonomy, as the courts may engage in judicial substitution rather than judicial review of administrative inaction. Although the test is comparatively comprehensive, determining the necessity and proportionality of administrative inaction remains difficult.

Chapter 5 – Recommendations For Reforming Judicial Review and Reconciling the Tests

A harmonised approach would ensure that a flexible and principled standard is adopted to address the challenges in a modern democratic country. Judicial intervention is a necessary limitation upon administrative autonomy. Therefore, it is essential that any standard adopted by the courts respect the technical expertise, discretion and jurisdiction of the authorities is respected.

For efficient review and control over capricious administrative inaction, the courts ought to strengthen the conceptual foundations and codify the framework governing the application of such principles. Currently, the Wednesbury test suffers from the lack of uniformity and codified standards, leaving it to the discretion of the courts to determine the extent of unreasonableness, reducing certainty, predictability and consistency. Statutory backing to judicial intervention through legislative action would help the jurisprudential norm shift from interpretation and promote administrative discipline.

The threshold warranting judicial review should be clearly defined to prevent judicial

overreach and excessive deference. Besides this, the implementation of citizen friendly redressal mechanism that would encourage reporting, vigilantism against arbitrary administrative inaction and promote proactive oversight.

Considering the comprehensive nature of the proportionality test, the courts should place greater reliance on the same, since it involves an examination of a host of factors. The proportionality test encourages reasoned judgements since it balances public interest and administrative autonomy.

With regard to the administrative authorities, guidelines ensuring public accountability and adherence to the statutory duties would minimise the need for judicial intervention, ensure transparency, efficiency and good faith in administrative decision making. Periodic review mechanism requiring the administrative authorities to take time-bound actions and report any pending obligations would promote transparency and proactive compliance.

Conclusion:

In the field of administrative law, judicial review has emerged as an indispensable component, serving as an instrument to check on arbitrary action and inaction of administrative authorities. Administrative inaction refers to the deliberate act of the authorities in refusing to discharge their duties, compromising the idea of responsible governance. Administrative inaction allows arbitrariness leading to erosion of rule of law, violation of rights of individuals and breeds public distrust. It is in this context judicial review of administrative inaction becomes important. Judicial review promotes good governance, ensures administrative accountability and prevents the misuse of administrative discretion.

The Wednesbury test and test of proportionality represent two paradigms of judicial scrutiny that follow distinct approaches to review and correct irrational and unreasonable administrative discretion. The application of these two tests comes into play when the judiciary assesses the rationality, reasonableness, legitimate aim, necessity and the overall proportionality of administrative inaction.

Judicial oversight of administrative inaction is a necessary and important tool in promoting good government and the rule of law. In the final analysis, the gradual movement of the Indian judiciary towards the proportionality test, is an indication of that the courts are more and more

committed to a more responsive, transparent and fair system of administration. It is only on realizing the enervated aspects, of the twin approach of administrative inaction, that the courts can respond ultimately to the increasing awareness of the citizens vis-a-vis arbitrary inaction on the part of the administration. To allow for this, however, is it necessary to buoy the autonomy of the administrative process.

In a constitutional democracy like India, a multipronged test that takes into consideration, social, legal and ethical dimensions, is needed. The courts are gradually starting to adopt the proportionality due to this very reason. Despite the fact that the two tests suffer from limitations, a carefully calibrated approach that adopts the best elements of the two tests needs to be followed.

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