JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION IN INDIA: BALANCING EXECUTIVE POWERS AND THE RULE OF LAW

D.M. Salai Siva Keerthana, Assistant Professor in GTN Law College, Dindigul

Dr. N. Sudalai Muthu, Vice Principal in GTN Law College, Dindigul

P. Narmadha, Assistant Professor in GTN Law College, Dindigul

ABSTRACT

Administrative discretion is an essential feature of modern governance, enabling executive authorities to exercise powers and make decisions in response to changing administrative and public needs. However, the exercise of such discretion without adequate legal limitations may result in arbitrariness, abuse of authority and violations of individual rights. Judicial review therefore plays a significant role in ensuring that administrative actions remain consistent with constitutional principles and the rule of law. In India, the Constitution provides an important foundation for controlling executive discretion through Articles 14, 19, 21, 32 and 226. Despite these safeguards, questions continue to arise concerning the extent of judicial intervention, administrative accountability and the limits of executive authority. This study critically examines the principles governing judicial review of administrative discretion in India, with particular attention to arbitrariness, proportionality, mala fide exercise of power, natural justice and legitimate expectation. It further analyses significant judicial decisions to understand how courts have balanced administrative efficiency with constitutional accountability. The study adopts a doctrinal and analytical research methodology based on constitutional provisions, statutory frameworks, judicial precedents and relevant legal literature. It also considers contemporary challenges arising from expanding executive powers, regulatory decision-making and technology-assisted administration. The judicial review must remain an effective safeguard against arbitrary administrative action while respecting the institutional responsibilities and legitimate policy-making functions of the executive. It ultimately emphasises the need for transparent decision-making, procedural fairness and accountable administrative practices to strengthen constitutional governance and preserve the rule of law in India.

Keywords: Judicial Review, Administrative Discretion, Rule of Law, Executive Accountability, Constitutional Governance

INTRODUCTION

Administrative discretion is an indispensable aspect of modern governance, as it enables executive authorities to exercise judgment and make decisions while implementing laws, formulating policies and addressing matters of public interest. Since legislation cannot anticipate every practical situation, administrative authorities are often granted a certain degree of flexibility to perform their functions effectively. However, the freedom to exercise such discretion is not absolute. When administrative powers are exercised arbitrarily, unreasonably or for purposes inconsistent with the law, they may undermine individual rights, weaken public confidence and threaten the principles of constitutional governance. In India, the Constitution establishes a framework for controlling administrative action through fundamental rights and judicial remedies, particularly under Articles 14, 19, 21, 32 and 226[1]. The judiciary, through the power of judicial review, examines whether administrative authorities have acted within their legal competence, followed fair procedures and respected constitutional limitations. Judicial intervention is particularly significant in cases involving arbitrariness, mala fide intentions, abuse of power, irrelevant considerations and violations of natural justice. At the same time, courts are required to recognise the importance of executive independence, administrative expertise and policy-making responsibilities. Excessive judicial interference may disturb the constitutional balance between the organs of government, just as insufficient scrutiny may allow unchecked executive authority. Therefore, the central challenge lies in maintaining an appropriate balance between effective administration and the protection of the rule of law. This study examines the constitutional foundations, judicial principles and legal limitations governing the review of administrative discretion in India. It also analyses significant judicial decisions and contemporary administrative challenges to assess whether existing mechanisms provide adequate accountability. Ultimately, the study seeks to demonstrate that judicial review is not intended to replace administrative decision-making but to ensure that executive discretion is exercised lawfully, fairly, reasonably and consistently with constitutional values.

CONCEPTUAL AND THEORETICAL FOUNDATIONS OF ADMINISTRATIVE DISCRETION

Administrative discretion is a fundamental feature of the Indian administrative system because the executive requires a reasonable degree of flexibility to implement laws and respond to

[1] Articles 14, 19, 21, 32 and 226 https://share.google/z7DaFQq6WgCWaQxXU

practical situations. However, such flexibility must operate within constitutional and statutory boundaries. This chapter examines the meaning and scope of administrative discretion, the principles regulating its exercise, and its relationship with separation of powers, the rule of law and constitutional accountability. It establishes that discretion is necessary for effective governance, but its legitimacy depends on legality, fairness and responsible exercise of public power.

2.1 Meaning, Nature and Scope of Administrative Discretion

Administrative discretion refers to the authority granted to public officials to choose an appropriate course of action within the limits prescribed by law. It arises when legislation permits an authority to consider relevant circumstances before making a decision. Its nature is flexible, practical and purpose-oriented, but it does not confer unlimited freedom. Discretion may arise in licensing, taxation, public employment, land acquisition and regulatory administration. In Barium Chemicals Ltd. v. Company Law Board[2], the Supreme Court examined the statutory conditions governing the exercise of investigative powers and recognised that the existence of relevant circumstances is essential to a valid exercise of discretion. Thus, administrative discretion must remain connected to the purpose for which the power was granted.

2.2 Principles Governing the Exercise of Administrative Discretion

Administrative authorities must exercise discretion honestly, reasonably and in accordance with the governing statute. They must consider relevant facts, avoid personal interests, act for proper purposes and comply with prescribed procedures. Discretion cannot be used to discriminate between similarly situated persons or to impose unreasonable conditions. Article 14 of the Constitution prohibits arbitrary State action, while Article 21 requires fairness where administrative action affects life or personal liberty. In S.G. Jaisinghani v. Union of India[3], the Supreme Court emphasised that the absence of arbitrary power is essential to the rule of law and that discretion must be confined within defined limits. These principles ensure that administrative decisions are based on lawful standards rather than personal preferences.

2.3 Relationship Between Administrative Discretion and Separation of Powers

The doctrine of separation of powers distributes governmental responsibilities among the

[2] Barium Chemicals Ltd. v. Company Law Board, AIR 1967 SC 295
[3] S.G. Jaisinghani v. Union of India, AIR 1967 SC 1427

legislature, executive and judiciary. Administrative discretion primarily operates within the executive's responsibility to implement laws and formulate policies. Articles 53 and 73[4] define the Union's executive power, while Articles 154 and 162[5] deal with the executive powers of the States. However, executive authorities cannot assume powers constitutionally assigned to other organs. In Ram Jawaya Kapur v. State of Punjab[6], the Supreme Court clarified that India does not follow an absolutely rigid separation of powers, although the essential functions of the different organs remain differentiated. Therefore, administrative discretion must function within this constitutional distribution of authority.

2.4 Rule of Law as a Limitation on Executive Authority

The rule of law requires every public authority to act according to law rather than personal or unrestricted power. It prevents executive authorities from exercising discretion arbitrarily and protects individuals against unlawful administrative interference. Articles 14 and 21 provide important constitutional safeguards, while Articles 32 and 226 enable individuals to seek judicial remedies against unconstitutional administrative action. The Right to Information Act, 2005, strengthens transparency by facilitating access to public information, subject to statutory exemptions. Similarly, the Lokpal and Lokayuktas Act, 2013, provides an institutional mechanism for addressing specified allegations of corruption against public functionaries. These measures reinforce the principle that public power must remain legally controlled and accountable.

2.5 Constitutionalism, Accountability and Administrative Fairness

Constitutionalism requires government institutions to exercise their powers within constitutional limitations. Administrative accountability ensures that public officials remain answerable for their decisions, while administrative fairness demands impartiality, transparency and appropriate procedural safeguards. Article 311[7] protects civil servants against specified forms of arbitrary dismissal, removal or reduction in rank, subject to constitutional exceptions. The Central Vigilance Commission Act, 2003, also strengthens vigilance mechanisms in public administration. Together, these constitutional and statutory safeguards promote responsible

[4] Articles 53 and 73https://share.google/z7DaFQq6WgCWaQxXU
[5] Articles 154 and 162 https://share.google/z7DaFQq6WgCWaQxXU
[6] Ram Jawaya Kapur v. State of Punjab, AIR 1955 SC 549
[7] Article 311 https://share.google/z7DaFQq6WgCWaQxXU

governance. Ultimately, administrative discretion becomes legitimate only when executive authorities exercise their powers in a manner consistent with constitutional values, public interest and individual rights.

CONSTITUTIONAL AND LEGAL FRAMEWORK OF JUDICIAL REVIEW IN INDIA

The Indian Constitution establishes judicial review as a fundamental safeguard against the misuse of legislative and executive authority. It empowers constitutional courts to examine whether administrative authorities have exercised their powers within the limits of law and in accordance with fundamental rights. The framework is particularly important in controlling administrative discretion because it ensures that executive decisions are not arbitrary, discriminatory or procedurally unfair. Through constitutional remedies, writ jurisdiction and statutory accountability mechanisms, judicial review maintains a balance between effective administration and constitutional supremacy.

1. Judicial review is rooted in constitutional supremacy, which requires every organ of government to function within constitutional limits. Articles 13, 32 and 226 provide important foundations for reviewing unconstitutional laws and administrative actions. In Kesavananda Bharati v. State of Kerala[8], the Supreme Court established that Parliament cannot alter the basic structure of the Constitution. Judicial review forms part of this basic structure and cannot be completely removed through constitutional amendments.

2. Constitutional validity of laws: Article 13 declares laws inconsistent with fundamental rights void to the extent of their inconsistency. Its explanation of the term ‘law’ includes ordinances, orders, rules, regulations, notifications and other instruments having the force of law. Consequently, administrative authorities exercising delegated legislative powers must remain within constitutional limitations. However, an ordinary executive decision is not automatically treated as legislation under Article 13; it may independently be challenged for violating applicable fundamental rights.

3. Protection against arbitrary administration: Article 14 guarantees equality before the law and equal protection of laws, preventing arbitrary and discriminatory administrative decisions. Article 19 protects specified freedoms against unreasonable restrictions, while Article 21 safeguards life and personal liberty against unlawful State interference. Together, these

[8] Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225

provisions establish substantive and procedural limitations on executive discretion. In D.K. Basu v. State of West Bengal[9], the Supreme Court prescribed safeguards against custodial abuse, demonstrating the constitutional responsibility of public authorities when exercising coercive powers.

4. **Judicial review under Articles 32 and 226:** Article 32 enables individuals to approach the Supreme Court for enforcement of fundamental rights, whereas Article 226 empowers High Courts to issue writs for enforcement of fundamental rights and for other legal purposes. Article 226 therefore has a wider scope than Article 32. In L. Chandra Kumar v. Union of India[10], the Supreme Court held that judicial review under Articles 32 and 226 is an essential feature of the Constitution and that tribunal decisions remain subject to scrutiny by constitutional courts.

5. **Constitutional courts may issue five principal writs:** habeas corpus, mandamus, prohibition, certiorari and quo warranto. Habeas corpus protects against unlawful detention; mandamus compels performance of a public duty; prohibition prevents an authority from exceeding its jurisdiction; certiorari quashes an unlawful order; and quo warranto questions the legal authority to hold public office. In Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust v. V.R. Rudani[11], the Supreme Court recognised that mandamus may extend to bodies performing public duties, even where they are not statutory authorities.

6. **Limitations on writ remedies:** Although Article 226 provides broad protection, its exercise remains discretionary. Courts generally consider whether an effective alternative statutory remedy exists, whether natural justice has been violated or whether the authority acted without jurisdiction. In Whirlpool Corporation v. Registrar of Trade Marks[12], the Supreme Court recognised important exceptions to the alternative-remedy rule, particularly where fundamental rights are affected, natural justice is violated or proceedings are without jurisdiction.

[9] D.K. Basu v. State of West Bengal, (1997) 1 SCC 416
[10] In L. Chandra Kumar v. Union of India, (1997) 3 SCC 261
[11] Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust v. V.R. Rudani, (1989) 2 SCC 691
[12] Whirlpool Corporation v. Registrar of Trade Marks, (1998) 8 SCC 1

7. **Statutory control and administrative supervision:** Several enactments supplement constitutional judicial review. The Administrative Tribunals Act, 1985, establishes specialised forums for specified service matters; the Right to Information Act, 2005, promotes transparency; the Central Vigilance Commission Act, 2003, strengthens vigilance oversight; and the Lokpal and Lokayuktas Act, 2013, provides mechanisms for investigating specified corruption allegations. These institutions improve administrative accountability, although their decisions and actions remain subject to applicable constitutional limitations.

8. Judicial review does not authorise courts to replace every administrative decision with their own preferred decision. Its primary purpose is to ensure legality, constitutional compliance and procedural fairness. Therefore, Articles 13, 14, 19, 21, 32 and 226[13], together with statutory accountability mechanisms, collectively establish a framework that prevents arbitrary executive power while preserving legitimate administrative functions.

GROUNDS AND PRINCIPLES GOVERNING JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION

Judicial review of administrative discretion ensures that executive authorities exercise their powers within the limits of law and constitutional principles. Although administrative bodies require flexibility to perform their functions, such discretion cannot become a means of arbitrary decision-making or misuse of public authority. Courts examine not merely the outcome of an administrative decision but also the legality, fairness and reasoning behind the decision-making process. The major grounds of judicial review include excess of authority, unreasonableness, improper purpose, violation of natural justice and failure to consider relevant circumstances. These principles protect individual rights while maintaining administrative accountability.

4.1 Illegality, Ultra Vires and Abuse of Administrative Power

The doctrine of ultra vires means that an administrative authority must act within the powers conferred upon it by the Constitution or the relevant statute. Any action exceeding its jurisdiction, violating mandatory legal requirements or pursuing an unauthorised purpose may be declared invalid. Similarly, administrative discretion cannot be exercised for personal benefit, political motives or purposes unrelated to the authority's legal responsibilities. In State of Punjab v.

[13] Supra 1

Gurdial Singh[14], the Supreme Court explained that the exercise of statutory power for an improper purpose or through colourable use of authority cannot be legally sustained. Therefore, Articles 14 and 226 provide important constitutional safeguards against misuse of administrative powers. The burden of establishing mala fides is generally significant and requires specific supporting material.

4.2 Arbitrariness, Unreasonableness and Proportionality

Administrative decisions must be reasonable, non-discriminatory and proportionate to the objectives they seek to achieve. Article 14 prohibits arbitrary State action, while Articles 19 and 21 protect individuals against unjustified restrictions on their freedoms and personal liberty. The doctrine of proportionality requires that administrative measures should pursue a legitimate objective, remain suitable for achieving it and avoid imposing excessive restrictions. In Modern Dental College and Research Centre v. State of Madhya Pradesh[15], the Supreme Court discussed proportionality as a constitutional standard for examining restrictions on fundamental rights. Accordingly, courts may intervene where an administrative decision is irrational, excessive or manifestly unreasonable. However, judicial review does not ordinarily permit courts to substitute their own policy preferences for those of the competent authority.

4.3 Natural Justice, Relevant Considerations and Application of Mind

The principles of natural justice require administrative authorities to act fairly, provide an appropriate opportunity of hearing where necessary and remain free from bias. The two principal rules are audi alteram partem (the right to be heard) and nemo judex in causa sua (no person should judge their own cause). In Swadeshi Cotton Mills v. Union of India[16], the Supreme Court recognised the importance of procedural fairness in administrative action. Further, authorities must consider relevant facts, exclude irrelevant circumstances and independently apply their minds before reaching a decision. In State of NCT of Delhi v. Sanjeev[17], the Supreme Court explained that non-consideration of relevant factors and reliance on irrelevant considerations can invalidate administrative decisions. The Right to Information Act, 2005, particularly Section 4, also supports transparency in public administration. Together, these safeguards ensure that

[14] State of Punjab v. Gurdial Singh, (1980) 2 SCC 471
[15] Modern Dental College and Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353
[16] Swadeshi Cotton Mills v. Union of India, (1981) 1 SCC 664
[17] State of NCT of Delhi v. Sanjeev, (2005) 5 SCC 181

discretion is exercised through a fair, informed and legally accountable process.

JUDICIAL INTERPRETATION AND LANDMARK DEVELOPMENTS IN INDIA

The Indian judiciary has played a significant role in defining the boundaries of administrative discretion and ensuring that executive authorities remain accountable under the Constitution. Through its interpretation of Articles 14, 19, 21 and 226, the Supreme Court has developed principles that prevent arbitrary decision-making while recognising the practical needs of administration. Judicial decisions have progressively strengthened the requirements of fairness, transparency, reasonableness and legitimate expectation. This chapter examines the evolution of these principles, the judicial control of excessive executive powers and the limits of court intervention in policy matters.

5.1 Judicial Evolution of the Doctrine of Administrative Discretion

The Indian judiciary has gradually developed administrative law principles to ensure that executive discretion is exercised fairly and within legal boundaries. Initially, judicial scrutiny concentrated on whether an authority possessed statutory power and followed the prescribed procedure. Over time, courts expanded their examination to include fairness, reasonableness and the protection of individual rights. In State of Orissa v. Dr. (Miss) Binapani Dei[18], the Supreme Court recognised that even administrative orders involving civil consequences must comply with principles of natural justice. This development established that administrative decisions cannot be justified merely because they are taken under statutory authority; their procedure and impact must also satisfy legal standards.

5.2 Judicial Control over Arbitrary and Unguided Executive Powers

The judiciary has consistently maintained that discretionary powers must be supported by adequate legal guidance and exercised according to the objectives of the legislation. Unrestricted authority may lead to discrimination, misuse of power and unequal treatment. Article 14 acts as an important constitutional safeguard against such arbitrary action. In Harishankar Bagla v. State of Madhya Pradesh[19], the Supreme Court considered the validity of delegated legislative powers and examined whether the legislature had provided sufficient guidance for their exercise. The

[18] State of Orissa v. Dr. (Miss) Binapani Dei, AIR 1967 SC 1269
[19] Harishankar Bagla v. State of Madhya Pradesh, AIR 1954 SC 465

decision illustrates the importance of legislative standards in controlling executive authority. Judicial scrutiny is therefore essential where broad discretionary powers are granted without clear limitations or where authorities act beyond the purposes for which those powers were conferred.

5.3 Legitimate Expectation and Fairness in Administrative Decision-Making

The doctrine of legitimate expectation protects individuals who reasonably expect consistent and fair treatment from public authorities because of established practices, representations or assurances. It does not automatically create an enforceable right to receive a particular benefit; rather, it requires the authority to consider the expectation fairly before making a decision. In Food Corporation of India v. Kamdhenu Cattle Feed Industries[20], the Supreme Court held that legitimate expectation forms part of the principle of non-arbitrariness under Article 14. The Court emphasised that public authorities must give due consideration to reasonable expectations, although overriding public interest may justify a different decision. This doctrine strengthens administrative fairness by requiring transparency and reasoned consideration when established expectations are altered.

5.4 Judicial Review of Policy Decisions and Discretionary Government Actions

Government policy decisions generally involve economic, social and administrative considerations requiring specialised knowledge and executive judgment. Therefore, courts ordinarily avoid interfering merely because another policy choice appears preferable. However, policy decisions are not immune from judicial review if they violate constitutional provisions, statutory requirements or principles of fairness. In Tata Cellular v. Union of India[21], the Supreme Court clarified that judicial review primarily examines the decision-making process rather than the merits of the administrative decision itself. Similarly, in BALCO Employees' Union v. Union of India[22], the Court recognised the limited scope of judicial intervention in economic policy matters. These decisions establish that executive authorities enjoy policy-making freedom, but that freedom remains subject to constitutional accountability.

5.5 Landmark Supreme Court Decisions on Administrative Discretion and the Rule of Law

The Supreme Court has further strengthened administrative accountability by examining the

[20] Food Corporation of India v. Kamdhenu Cattle Feed Industries, (1993) 1 SCC 71
[21] Tata Cellular v. Union of India, (1994) 6 SCC 651
[22] BALCO Employees' Union v. Union of India, (2002) 2 SCC 333

exercise of discretionary powers in matters involving public institutions and national resources. In Centre for Public Interest Litigation v. Union of India[23], concerning the appointment of the Central Vigilance Commissioner, the Court emphasised institutional integrity and the importance of maintaining public confidence in constitutional and statutory institutions. In Centre for Public Interest Litigation v. Union of India, concerning the allocation of 2G spectrum, the Court examined arbitrary allocation of valuable public resources and highlighted the constitutional importance of fairness and transparency in State action. These decisions demonstrate that executive discretion must be exercised in public interest and cannot be used to undermine constitutional governance. Collectively, judicial interpretation has transformed administrative discretion from a broad executive privilege into a legally controlled power governed by the rule of law.

LIMITATIONS OF JUDICIAL REVIEW AND THE BALANCE OF EXECUTIVE POWERS

Judicial review is essential for controlling administrative discretion, but the power of courts is not unlimited. The Indian constitutional system requires a careful balance between judicial supervision and executive independence. While courts must intervene when administrative authorities violate constitutional rights, exceed their legal powers or act arbitrarily, they must also respect the legitimate functions of the executive. This balance is necessary to preserve separation of powers, administrative efficiency and constitutional accountability. This chapter examines the limitations on judicial intervention and the circumstances in which courts exercise restraint while reviewing executive decisions.

6.1 Separation of Powers and Constitutional Boundaries of Judicial Intervention

The doctrine of separation of powers requires the legislature, executive and judiciary to perform their respective constitutional functions without improperly interfering with one another. Articles 53 and 154[24] vest executive power in the Union and State governments respectively, while Articles 32 and 226 empower constitutional courts to review unlawful State action. Judicial intervention is therefore necessary to enforce constitutional limitations, but courts should not assume the executive's administrative responsibilities. In Asif Hameed v. State of Jammu and

[23] Centre for Public Interest Litigation v. Union of India, (2011) 4 SCC 1
[24] Articles 53 and 154 https://share.google/z7DaFQq6WgCWaQxXU

Kashmir[25], the Supreme Court emphasised that each constitutional organ must respect the functions assigned to the others. Judicial review must consequently operate as a safeguard against illegality rather than a means of taking over executive functions.

6.2 Judicial Restraint in Matters of Executive and Administrative Policy

Government policies frequently involve economic priorities, public welfare, financial considerations and technical assessments. Courts generally avoid interfering with such decisions merely because an alternative policy appears more beneficial or reasonable. However, executive policies remain reviewable if they violate fundamental rights, statutory provisions or constitutional principles. In Small Scale Industrial Manufacturers Association v. Union of India[26], the Supreme Court recognised that economic and fiscal policy decisions require judicial restraint because courts are not specialised economic decision-making institutions. Nevertheless, policy decisions cannot escape scrutiny where arbitrariness, illegality or unfairness is established. Thus, judicial restraint does not mean complete judicial abstention.

6.3 Distinction Between Judicial Review and Appellate Review

Judicial review and appellate review serve different purposes. Appellate review generally examines the correctness of a decision, including its factual findings and conclusions, and may permit modification or reversal according to the applicable law. Judicial review, particularly under Articles 32 and 226[27], primarily examines whether the authority acted within its jurisdiction, followed lawful procedures and respected constitutional requirements. A court exercising judicial review does not ordinarily substitute its own decision for that of the administrative authority simply because another conclusion was possible. This distinction preserves administrative independence while ensuring that public power remains legally controlled. The appropriate remedy may therefore be to quash an unlawful decision and require the competent authority to reconsider the matter lawfully.

6.4 Administrative Expertise and Institutional Competence

Certain administrative decisions involve specialised knowledge in taxation, finance, environmental regulation, infrastructure and public health. Administrative authorities and

[25] Asif Hameed v. State of Jammu and Kashmir, 1989 Supp (2) SCC 364
[26] Small Scale Industrial Manufacturers Association v. Union of India, (2021) 8 SCC 511
[27] Supra 1

regulatory institutions may possess technical resources and practical experience that courts do not ordinarily have. Consequently, judicial intervention should recognise institutional competence while ensuring compliance with legal standards. In Small Scale Industrial Manufacturers Association v. Union of India[28], the Supreme Court highlighted the need for caution when examining economic and financial measures. This approach recognises that courts are not expected to formulate technical policies or determine their commercial wisdom. However, expertise cannot justify decisions that violate constitutional rights or statutory safeguards.

6.5 Alternative Remedies and Restrictions on Writ Jurisdiction

Although Article 226 provides wide powers to High Courts, writ jurisdiction is discretionary. Where a statute provides an effective alternative remedy, courts ordinarily expect the affected person to use that procedure before approaching the High Court. Such remedies may include statutory appeals, revisions or specialised tribunals. In Radha Krishan Industries v. State of Himachal Pradesh[29], the Supreme Court clarified that alternative remedies do not completely exclude Article 226 jurisdiction. Exceptions include enforcement of fundamental rights, violation of natural justice, proceedings without jurisdiction and challenges to the constitutional validity of legislation. The principle encourages orderly dispute resolution without removing the High Court's constitutional authority.

6.6 Risks of Judicial Overreach and Executive Encroachment

Maintaining constitutional balance requires preventing both judicial overreach and executive misuse of authority. Judicial overreach occurs when courts move beyond reviewing legality and begin performing functions constitutionally entrusted to the executive or legislature. Conversely, executive encroachment arises when administrative authorities disregard judicial directions, exceed statutory powers or undermine constitutional safeguards. Both situations weaken institutional independence and the rule of law. Article 50[30] also reflects the constitutional objective of separating the judiciary from the executive in public services of the State. A balanced approach requires courts to intervene firmly against illegality while respecting legitimate administrative discretion. Equally, executive authorities must accept judicial supervision as an

[28] Supra 26
[29] Radha Krishan Industries v. State of Himachal Pradesh, (2021) 6 SCC 771
[30] Article 50 https://share.google/z7DaFQq6WgCWaQxXU

essential element of constitutional governance.

CONCLUSION

Judicial review of administrative discretion is an essential mechanism for maintaining constitutional supremacy and the rule of law in India. Administrative authorities require sufficient discretion to perform their duties effectively; however, such powers must always remain within constitutional and statutory limitations. This study demonstrates that judicial review plays a significant role in preventing arbitrary executive action, protecting fundamental rights and ensuring administrative accountability. Through constitutional provisions, particularly Articles 14, 19, 21, 32 and 226, the judiciary examines whether administrative decisions comply with legality, fairness, reasonableness and principles of natural justice. The judicial interpretation of doctrines such as proportionality, legitimate expectation and *ultra vires* has further strengthened the legal control over discretionary powers. At the same time, judicial intervention must respect the separation of powers, administrative expertise and the legitimate policy-making responsibilities of the executive. Excessive judicial interference may affect administrative efficiency, while inadequate judicial scrutiny may encourage the misuse of public authority. Therefore, an effective constitutional system requires a balanced approach in which courts review the legality of administrative decisions without unnecessarily replacing executive judgment. Strengthening transparency, providing reasoned decisions, ensuring procedural fairness and improving institutional accountability are equally important for responsible governance. Ultimately, administrative discretion should function not as an unrestricted privilege of executive authorities but as a legally controlled responsibility exercised in the public interest. A balanced and effective system of judicial review is therefore indispensable to protecting individual rights, strengthening democratic governance and preserving the rule of law in India.

REFERENCES

1. Craig, P. (2021). *Administrative law* (9th ed.). Sweet & Maxwell.
2. Jain, M. P. (2024). *Principles of administrative law* (8th ed.). LexisNexis.
3. Massey, I. P. (2022). *Administrative law* (10th ed.). Eastern Book Company.
4. Sathe, S. P. (2002). *Judicial activism in India: Transgressing borders and enforcing limits* (2nd ed.). Oxford University Press.
5. Wade, H. W. R., & Forsyth, C. F. (2014). *Administrative law* (11th ed.). Oxford University Press.
6. Woolf, H., Jowell, J., Donnelly, C., & Hare, I. (Eds.). (2018). *De Smith's judicial review* (8th ed.). Sweet & Maxwell.
7. Sabhapandit, S. (2018). Article 12 and judicial review of administrative action: An analysis. *Indian Law Review, 2*(1), 5–25. https://doi.org/10.1080/24730580.2018.1512842
8. Vakil, R. (2018). Constitutionalizing administrative law in the Indian Supreme Court: Natural justice and fundamental rights. *International Journal of Constitutional Law, 16*(2), 475–502. https://doi.org/10.1093/icon/moy027
9. Law Commission of India. (1958). *Fourteenth report: Reform of judicial administration*. Government of India.
10. Second Administrative Reforms Commission. (2007). *Ethics in governance* (Fourth Report). Government of India.
11. Second Administrative Reforms Commission. (2007). *Right to information: Master key to good governance* (First Report). Government of India.
12. Government of India. (1950). *The Constitution of India*. Legislative Department. https://legislative.gov.in/constitution-of-india/
13. Government of India. (1985). *The Administrative Tribunals Act, 1985*. India Code. https://www.indiacode.nic.in/
14. Government of India. (2003). *The Central Vigilance Commission Act, 2003*. India Code. https://www.indiacode.nic.in/
15. Government of India. (2005). *The Right to Information Act, 2005*. India Code. https://www.indiacode.nic.in/
16. Government of India. (2013). *The Lokpal and Lokayuktas Act, 2013*. India Code. https://www.indiacode.nic.in/
17. Government of India. (2013). *The Whistle Blowers Protection Act, 2014*. India Code. https://www.indiacode.nic.in/