JUDICIAL CONTROL OVER ADMINISTRATIVE DISCRETION

Rohit Kadian, National Law Institute University, Bhopal

Sarga PS, National Law Institute University, Bhopal

ABSTRACT

This study examines judicial control over administrative discretion in India, tracing how courts have used the writ jurisdiction under Articles 32 and 226 of the Constitution to keep administrative authorities within the bounds of legality, fairness, and reasonableness. Taking as its starting point the tripartite classification of illegality, irrationality, and procedural impropriety developed in Council of Civil Service Unions v Minister for the Civil Service,[1] the study examines how each ground has been received and adapted by Indian courts, with particular attention to the natural justice principles established in Maneka Gandhi v Union of India[2] and to the more structured standard of review developed under the doctrine of proportionality.

The study further examines the doctrines of legitimate expectation and proportionality as they have developed in Indian administrative law, and situates these doctrines against the limits that courts have placed on their own jurisdiction in matters of policy, economic judgment, and academic or technical evaluation.

Drawing on the principle, articulated in Tata Cellular v Union of India, that judicial review is concerned with the decision-making process rather than the merits of the decision itself,[3] the study argues that Indian courts have, on the whole, maintained a workable balance between restraining arbitrary administrative action and preserving the flexibility that effective governance requires.

[1] *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 (HL).
[2] *Maneka Gandhi v Union of India* (1978) 1 SCC 248 (SC).
[3] *Tata Cellular v Union of India* (1994) 6 SCC 651 (SC).

Introduction

Evolution of the modern welfare state and changes in society have also been preceded by the relative expansion of government activities which have fundamentally transformed the relationship between the citizens and the administration. In order to adequately respond to increasing social, political, and economic requirements, legislatures have entrusted administrative authorities with extensive powers of discretion in their application. Administrative discretion, while critical to good governance, poses severe challenges to accountability, justice, and the protection of citizens' liberties. Unrestrained or discretionary use thereof risks undermining the rule of law, the very foundation of constitutional democracy. This is where the power of judicial review plays a key role as a tool for guaranteeing that the administrative authority remains within the framework of lawfulness and operates in accordance with constitutional precepts.

Indian judicial review is solidly entrenched in the constitution. Articles 32 and 226 give the Supreme Court and High Courts the jurisdiction to review administrative action, and they are the last guardians of legality and fundamental rights. The judicial review of administrative discretion doctrine tries to reconcile two opposing demands: on the one hand, that the executive must be given sufficient flexibility in order to operate effectively, and on the other, that the flexibility must not translate into arbitrariness or misuse of power. The judiciary thus acts as a constitutional check to verify exercise of discretion within the parameters of law, reasonableness, and justice.

Over time, Indian courts have developed an extensive jurisprudence laying down the terms on which administrative discretion can be judicially reviewed. Principles borrowed from English law, i.e., illegality, irrationality, and procedural impropriety, laid down in Council of Civil Service Unions v. Minister for the Civil Service, have been applied alongside local constitutional principles such as proportionality and legitimate expectation. These review mechanisms allow the courts to intervene where administrative agencies act in bad faith, consider irrelevant factors, ignore relevant ones, restrict their discretion by rigid policies, or act on diktat. The courts have also made it a point to reiterate repeatedly the need for restraint on their part, acknowledging that judicial review has to restrain arbitrariness but not interfere in reasonable policymaking by the administration.

Thus, the manuscript seeks to research the rationale, scope, and why judicial intervention into

administrative law happens. It also explores the rules formulated by the courts to regulate the exercise of discretion, prevent abuse of authority, and balance administrative efficiency with protection of individual rights. By way of analysis of leading doctrines and case law, the research aims to highlight how judicial review can be both a defender of constitutional values and a cornerstone of the rule of law.

Basis For Judicial Control of Administrative Discretion

The doctrine of Judicial Review is established as a vital and integral part of the Indian Constitution, constituting the cornerstone of its constitutional law. It is a major advancement in the sphere of public law. The Supreme Court and the High Courts, as ultimate custodians of the rule of law, have the responsibility to define the boundaries and limits of authority between the legislative and the executive branches, so as to prevent any organ from trespassing into the legitimate sphere of the other. Judicial review is therefore an essential part of the constitutional arrangement; in its absence, the rule of laws would be meaningless negating the doctrine of the rule of law. The scope of judicial review of administrative action has widened considerably. The courts previously intervened only in case of absence of power, excess of power, or abuse of power. But with the relentless growth of state activities and the expansion of large public sector undertakings, the necessity for greater organizational accountability and wider judicial control has become not only desirable but imperative.

Constitutional Machinery: The Writ Jurisdiction

Judicial review of administrative discretion in India is operationalised through the writ jurisdiction conferred on the Supreme Court and the High Courts by Articles 32 and 226 of the Constitution respectively.[4] The writs of certiorari, mandamus, prohibition, quo warranto, and habeas corpus, inherited from English common law, remain the principal instruments through which courts supervise administrative action.[5] Certiorari is issued to quash a decision made without or in excess of jurisdiction, or in breach of natural justice; mandamus compels an authority to perform a public duty it has wrongfully failed to discharge; prohibition restrains a tribunal or authority from exceeding its jurisdiction before a final order is passed; and quo warranto questions the legal authority of a person to hold a public office. The jurisdiction under Article 226 is wider than that under Article 32, since it may be invoked not only for the

[4] Constitution of India 1950, art. 32, 226.
[5] HWR Wade and CF Forsyth, Administrative Law (11th edn, OUP 2014) 439–462.

enforcement of fundamental rights but for any other legal right as well. The Supreme Court has held that this writ jurisdiction forms part of the basic structure of the Constitution and cannot be ousted even by constitutional amendment, underscoring its centrality to the scheme of judicial control over administrative discretion.[6]

Difference between Administrative Review and Judicial Review

Administrative Review is the mechanism through which an administrative authority, with statutory powers, re-consider decisions under its jurisdiction. Where a statute expressly provides for appeal, revision, or review, the aggrieved individual is entitled to avail of those statutory remedies. In these instances, the higher authority making the initial decision is acting within its delegated powers in granting relief to the complainant in a manner appropriate.

Judicial Review, however, has a different role to play. It is neither an appeal from nor a reconsideration of the decision of administrative bodies. Its scope is more narrow, being predominantly confined to examining the legality of the action taken and not re-judging the merits of the case. Judicial review is, hence, directed towards making administrative discretion function within legal boundaries and according to established legal principles, but not in substituting itself for the administrative authority itself. It must be emphasized that judicial review has limitations inherent in it, as it is designed for adjudicating over disputes concerning administrative action and not for the exercise of administrative functions. While the executive is tasked with enforcement, the judiciary is charged with ensuring the government operates within limits established by the Constitution.

When exercising judicial review, courts consider whether the authority acted in excess of powers granted to it, made a mistake of law, violated principles of natural justice, or came to a conclusion which no reasonable person could reasonably uphold. The court also looks into whether administrative actions are reasonable, fair, free from arbitrariness, and in line with Article 14 of the Indian Constitution, which guarantees the right to equality. Judicial review is not available, however, unless the administrative order is either unconstitutional or unlawful. Administrative authorities must be permitted a reasonable degree of trial and error; provided their actions are taken in good faith and within statutory limits, the courts will not intervene. This balance arises from the recognition that judicial review is intended as a safeguard against

[6] *L Chandra Kumar v Union of India* (1997) 3 SCC 261 (SC).

arbitrariness and abuse of power, but also simultaneously preserve room for legitimate administrative discretion.

Judicial Control over Administrative Discretion

In judicial review, it is important to understand that courts do not act in the capacity of appellate tribunals. The discretion vested in administrative authorities by the legislature is not meant to be ousted or substituted by court verdicts. Judicial review is a check that functions, not a forum for questioning administrative wisdom. A key instance of this rule is in *Council of Civil Service Unions v. Minister for the Civil Service*[7], in which Lord Diplock established three main grounds for administrative discretion to be reviewed by a court: illegality, irrationality, and procedural impropriety.

The judicial function of controlling administrative discretion must be applied thus in restraint, confining itself to some limited grounds, i.e., whether the power overstepped its statutory authority, made a mistake in law, denied natural justice, made a decision which no reasonable court would have made, or otherwise abused its discretion. In Indian law, judicial interference in the exercise of administrative discretion is only in two circumstances: first, where there is an utter failure to exercise discretion, and second, where discretion is exercised to excess or abuse of the statutory power conferred.

Grounds For The Judicial Review of Administrative Action

Judicial review of administrative discretion must be exercised in order to uphold the postulates of legality, fairness, and accountability in administrative law. It is exercised at different stages and in different ways so that the administrative authorities do not cross the limits of their legal powers and do not make excessive use of the discretion enjoyed by them. Judicial review commonly occurs at such critical phases as prior to decision-making, when the jurisdiction and legality of the authority are challenged in courts; after decision, when the reasonableness and proportionality of the action are examined; and in procedural challenges, where departures from natural justice are considered. All these phases echo the role of the judiciary to weigh administrative expediency and protection of individual rights. By this means, the role of the courts is yet again cemented as a check against abuse of executive discretion.

[7] Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374 (HL).

Improper Exercise of Discretion: The very fact that discretion has been vested in an administrative organ is to ensure that it is exercised aptly to fulfill the purpose for which they were vested in the first place. Where an authority fails to exercise the power delegated to it, the resulting act can be invalidated. An example of such failure is sub-delegation without authority. As De Smith has pointed out, discretionary powers are exercisable by the authority to which they have been delegated. The power cannot be sub-delegated to another authority or person unless the statute expressly allows it. The reason is that the law reposes trust in the discretion of the specific authority that is charged with acting for a given responsibility or duty, and accountability requires that the power of exercising discretion rest with the said authority and with no other. Sub-delegation has always been invalidated by courts. For example, in *Allingham v Minister of Agriculture and Fisheries*[8], it was held that delegated statutory powers must be exercised by the authority itself and not by a subdelegate. Similarly, in *Sahni Silk Mills (P) Ltd. v ESI Corporation*[9], the delegation of powers to the Regional Directors by the Director General was nullified since there was no provision in the parent statute for such sub-delegation. The rule still is that unless the decision is made by the empowered authority itself, any decision made by any other authority is ultra vires and void.

Fettering of Discretion: Another important way in which discretion may be improperly exercised is by putting fetters upon it. The conferment of discretion implies that the authority is to determine each case on its merits and independently judge, in each. If, however, a strict rule or policy is mechanically applied to all cases, regardless of their specific circumstances, the discretion is not actually being exercised. In the case of *Gell v Taja Noora*[10], under the Bombay Police Act, 1863, discretion had been vested in the Commissioner of Police to grant or refuse licenses for public conveyances. Instead of exercising discretion in each case, he framed a general rule that all Victoria carriages should be of a particular design. This was held to be invalid by the Bombay High Court, which ruled that the Commissioner had fettered his own discretion and therefore did not exercise his statutory discretion. The same issue arose when a rule rendered the withholding of school leaving certificates up to the age of fifteen subject to discretionary exceptions in exceptional cases. The Director, however, laid down a rigid policy of allowing exceptions only where the difference in age was less than two years. This practice was set aside by the court on the ground that it replaced individualized discretion

[8] Allingham v Minister of Agriculture and Fisheries 64 TLR 290.
[9] Sahni Silk Mills (P) Ltd. Vs. ESI Corpn. 1994 SCC 5 346.
[10] Gell v Teja Noora (1903) LR Bom.

with a mechanical rule. In *TGN Kumar v State of Kerala*[11], the Kerala High Court had issued a blanket direction that all the accused under Section 138 of the Negotiable Instruments Act, 1881, were to be exempted from personal appearance. This directive was invalidated by the Supreme Court, clarifying that the power to issue exemptions under Section 205 of the CrPC is vested in the Magistrate and cannot be precluded by a general rule.

Acting under Dictation: Discretion is also vitiated when a body acts under dictation and not of its own. Even though empowered by statute, a body loses its discretion if it acts in accordance with the dictates of another body. In *Comm. of Police v Gordhan Das Bhanji*[12], the Commissioner, after issuing a license in respect of a cinema, cancelled it at the behest of the government. The cancellation was set aside by the Supreme Court on the ground that the Commissioner had not acted according to his own discretion but as an agent of the State Government. Similarly, in *State of Punjab v Hari Kishan Sharma*[13], the Supreme Court warned against government interference with licensing powers, noting that interference would nullify the authority's statutory role. In *Orient Paper Mills Ltd. v Union of India*[14], the Deputy Superintendent was conferred with excise powers, but his action was at the behest of the Collector. The Court found this illegal, reaffirming that powers have to be exercised by the specified officer and none other. In *Barium Chemicals Ltd. v Company Law Board*[15], the involvement of the Finance Minister in getting the Chairman to order an investigation created suspicion. Although the Court accepted that in such situations suspicion may be created, the Court clarified that suspicion without material evidence cannot take the place of proof. Additionally, in *R. v Waltham Forest London Borough Council*[16], councillors voted under party "whip" despite their opposition to a resolution. It was decided by the court that compliance in such a manner interfered with independent judgment and the lawful exercise of discretion. Failure to apply the mind is yet another defect.

Mechanical decision without exercise of discretion: Administrative powers are to be exercised responsibly and carefully, having regard to the specific facts of each case. Wherever a decision is taken in a mechanical way, without actual consideration, the authority is guilty of

[11] TGN Kumar v State of Kerala 2011 CriLJ (Supp) 40.
[12] Comm. of Police v Gordhan Das Bhanji (1952) SCR 135.
[13] State of Punjab v Hari Kishan Sharma 1966 AIR 1081.
[14] Orient Paper Mills Ltd. v Union of India 1969 AIR 48.
[15] Barium Chemicals Ltd. v Company Law Board 1966 SCC OnLine SC 53.
[16] R. v Waltham Forest London Borough Council [1987] EWCA Civ J0924-3.

failure to apply its mind. In *Emperor v Sibnath Banerji*[17], an order of preventive detention was set aside on the ground that it was passed on routine police proposals and not on the independent consideration of the Home Secretary. Also, in Jagannath Misra v State of Orissa, the Supreme Court invalidated an order of detention where the Home Minister had simply reproduced statutory language without applying his mind to the grounds of detention. The inconsistency between the affidavit (referring to two grounds) and the order (reciting multiple grounds divided by "or" instead of "and") also demonstrated absence of due consideration. In Barium Chemicals Ltd., the Supreme Court once again explained that in ordering an investigation under the Companies Act, 1956, the Central Government must specifically state the facts giving rise to the suspicion of fraud. This was to make sure that the discretionary power was being exercised on the basis of sufficient application of mind. Where a discretionary power is coupled with a legal duty, the authority is bound to exercise it when the occasion arises.

Statutes often use the words "it shall be lawful" or "it may be lawful" when conferring discretion, and the query is whether the exercise of this sort of discretion is refusable. In the ancient case of *Frederic Guilder Julius v Lord Bishop of Oxford*[18], the House of Lords held that even though the Bishop had the power to launch an inquiry, he was not obligated to do so unless statutorily prescribed circumstances were fulfilled. This established the principle that discretion must be used whenever statutory conditions call for it, thus the distinction. For instance, licensing authorities must renew cab licenses on fulfilment of statutory requirements, municipal corporations must approve building plans where they comply with bylaws, and courts must order possession in favor of landlords where statutory grounds exist. In Gordhandas, where licenses were revocable by the Commissioner, the SC clarified that discretionary power under a duty cannot be evaded, deferred, or ignored but must be exercised when circumstances demand its exercise. Finally, discretion is alleged to be exceeded when it is being used for objectives or in a manner not contemplated by law. Markose states that "a lawful power is abused when exercised in an illogical or improper manner." Once discretion surpasses its statutory limitations, it thus calls for application of judicial control. Any administrative action, which is arbitrary, irrational, or in violation of statutory or constitutional principles, can thus be annulled as an excess of discretion.

[17] Emperor v Sibnath Banerji (1946) 48 BOM LR 1.
[18] Julius v Lord Bishop of Oxford [1880] 5 App Cases 214.

Wednesbury Unreasonableness

A distinct but closely related ground of review is Wednesbury unreasonableness, named after Associated Provincial Picture Houses Ltd v Wednesbury Corporation, where Lord Greene MR held that a decision could be quashed if it was so unreasonable that no reasonable authority could ever have come to it.[19] The threshold set by this test is deliberately high: it does not permit a court to intervene merely because it would itself have reached a different conclusion, but only where the impugned decision defies logic or accepted moral standards to such an extent that no sensible authority could have arrived at it. Indian courts absorbed this standard early, treating irrationality, in the Wednesbury sense, as one of the three grounds of review identified in Council of Civil Service Unions. Over time, however, the Supreme Court has increasingly supplemented, and in cases touching fundamental rights substituted, Wednesbury unreasonableness with the more structured doctrine of proportionality. In Om Kumar v Union of India, the Court held that while proportionality would govern primary review of legislative and administrative action affecting fundamental freedoms, Wednesbury unreasonableness would continue to apply to secondary review of administrative discretion in service and disciplinary matters, where courts examine only the decision-making process rather than the merits of the decision itself.[20] This dual-track approach was reaffirmed in Union of India v G Ganayutham, where the Court clarified that irrationality review, in the Wednesbury sense, remains distinct from and less intensive than proportionality review, and continues to apply where no fundamental right is directly engaged.[21] The distinction matters in practice: proportionality invites the court to weigh the reasonableness of the decision itself, whereas Wednesbury unreasonableness confines the court to asking whether the decision fell within the range of responses reasonably open to the authority.

Procedural Impropriety and Natural Justice

The third ground identified in Council of Civil Service Unions, procedural impropriety, requires administrative authorities to follow both express statutory procedure and the implied principles of natural justice. Two maxims lie at its core: audi alteram partem, the right to be heard, and nemo judex in causa sua, the rule against bias. The origins of the hearing rule are traceable to Cooper v Wandsworth Board of Works, where the Board's demolition of a house

[19] *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1948] 1 KB 223 (CA).
[20] *Om Kumar v Union of India* (2001) 2 SCC 386 (SC).
[21] *Union of India v G Ganayutham* (1997) 7 SCC 463 (SC).

without giving the owner an opportunity to be heard was held unlawful notwithstanding the absence of any statutory requirement to that effect, the court holding that the justice of the common law would supply the omission of the legislature.[22] English law consolidated this principle in Ridge v Baldwin, where the House of Lords held that a police officer dismissed without a hearing was entitled to have the decision quashed, restoring natural justice to administrative as well as judicial proceedings after a period of judicial retreat.[23] Indian courts extended the same reasoning in AK Kraipak v Union of India, holding that the requirement of natural justice applies to administrative as well as quasi-judicial functions wherever a decision affects the rights of an individual, since the distinction between the two categories had, in practical terms, become thin.[24] The doctrine reached its fullest expression in Maneka Gandhi v Union of India, where the Supreme Court held that any procedure depriving a person of their personal liberty under Article 21 must be fair, just, and reasonable, and that the right to be heard is impliedly read into every statute conferring discretionary power on an administrative authority unless expressly excluded.[25] Procedural impropriety therefore operates as an independent and frequently invoked ground of judicial control, distinct from the substantive review carried out under illegality or irrationality.

Principles of Administrative Discretion

The judiciary has evolved numerous principles due to the growing complexity of administrative law and an imperative necessity to curb abuse of discretionary power by different administrative agencies. Through the invocation of the doctrine of judicial review, the courts are empowered to strike down administrative rulings in case they are found to be illegal, improper, unreasonable, or irrational in nature. The most basic doctrine applied in reviewing administrative decision-making is the Doctrine of Proportionality. This doctrine provides that any decision by an administrative authority must not be arbitrary, irrational, or patently unreasonable. Judicial review is not only interested in whether the decision is right or wrong but also that the authority applied the right method in arriving at the decision. Since decision-making is a cautious balancing of several conflicting considerations relevant to the case, the rule of proportionality will ensure that administrative measures are not inordinate or random

[22] *Cooper v Wandsworth Board of Works* (1863) 14 CB (NS) 180.
[23] *Ridge v Baldwin* [1964] AC 40 (HL).
[24] *AK Kraipak v Union of India* (1969) 2 SCC 262 (SC).
[25] *Maneka Gandhi v Union of India* (1978) 1 SCC 248 (SC).

but proportionate and equitable to the objectives pursued.

The doctrine has since been applied by Indian courts to review the quantum of punishment imposed in disciplinary proceedings. In Coimbatore District Central Co-operative Bank v Coimbatore District Central Co-operative Bank Employees Association, the Supreme Court held that proportionality is concerned with the process by which a decision-maker orders competing considerations, and that a punishment strikingly disproportionate to the misconduct found may itself be treated as irrational and set aside.[26] The Court in Om Kumar clarified that the primary review conducted under the proportionality standard requires the reviewing court to examine whether a fair balance was struck between the adverse effect on the individual's rights and the purpose pursued by the authority, a more exacting standard than the secondary review associated with Wednesbury unreasonableness.[27]

Doctrine of Legitimate Expectations

Similarly, the Doctrine of Legitimate Expectations has also been well rooted in English and Indian legal systems both as a key concept of administrative law and as a major development in the field of judicial review. The content of this doctrine is that administrative bodies must act reasonably, giving effect to the reasonable and legitimate expectations of those who, on the basis of past practice, established practice, or assurances by the authority, had developed expectation of a particular outcome. These reasonable expectations may be the result of a plethora of situations, and given the tremendous expansion of governmental functions, it is not feasible to proscribe a complete list of such situations. Besides, these expectations keep changing over time, and any attempt to compile them into a list that could be used all the time would render itself out-of-date very quickly and would be futile. However, the main guiding principle to be followed is that courts should be cautious and exercise restraint in reviewing such administrative actions under this doctrine. It is not their role to substitute their own discretion for that of the administrative agency but merely to ensure that the process of decision-making has been pursued honestly and bona fide expectations have not been ignored or overreached.

The doctrine was first recognised in English law in Council of Civil Service Unions itself,

[26] *Coimbatore District Central Co-operative Bank v Coimbatore District Central Co-operative Bank Employees Association* (2007) 4 SCC 669 (SC).
[27] *Om Kumar v Union of India* (2001) 2 SCC 386 (SC).

where Lord Fraser and Lord Diplock accepted that a legitimate expectation could arise either from an express promise made by a public authority or from a consistent past practice which the claimant could reasonably expect to continue.[28] Indian courts adopted the doctrine soon after. In Navjyoti Coop Group Housing Society v Union of India, the Supreme Court held that a consistent past practice of allotting land on a seniority basis generated a legitimate expectation that could not be departed from without affording the affected societies a hearing.[29] Similarly, in Food Corporation of India v Kamdhenu Cattle Feed Industries, the Court held that even where no legal right existed, a legitimate expectation created by consistent past conduct entitled the claimant to fair treatment, though not necessarily to the substantive outcome expected.[30]

Misuse of Administrative Discretion

Administrative discretion is an essential element of governance since no system of government can function without entrusting powers involving necessarily discretionary judgment. Nevertheless, discretion, when exercised, can easily become problematic if not contained because free rein discretion tends to contain within it the seeds of abuse and injury to people and institutions. Abuse of discretionary powers, particularly when tainted by ill will, is called mala fide action, or action in bad faith. Any decision so made with mala fide intention is held legally void, since such a decision is motivated by considerations of fraud. For example, in *Jaichand v. State of West Bengal*[31], the court observed that mala fide arises when statutory powers are usurped with a view to furthering extraneous motives never within the contemplation of the statute. Similarly, in *State of Punjab v. Gurdail Singh*[32], the Supreme Court quashed land acquisition proceedings, holding that the respondents were prompted by revenge, which laid bare the malice underlying their acts.

The second form of abuse is where statutory powers are exercised for ends that fall outside their implied purposes. These kinds of uses of power are considered an abuse of discretion and dealt with as a misuse and invalid exercise of powers. The courts regard them as ultra vires, i.e., beyond the ambit of powers given under the statute. In Dass v. State of West Bengal, the court declared to be unlawful the detention of a person for a minor offense and declared that

[28] *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 (HL).
[29] *Navjyoti Coop Group Housing Society v Union of India* (1992) 4 SCC 477 (SC).
[30] *Food Corporation of India v Kamdhenu Cattle Feed Industries* (1993) 1 SCC 71 (SC).
[31] Jaichand v State of West Bengal AIR 1967 SC 483.
[32] State of Punjab v Gurdail Singh (1980) 2 SCC 471.

there had been abuse of the power of statutory detention. Misuse also takes place where the discretion is founded on factors irrelevant or extraneous. Where an administrative order is made on reasons that have no nexus with the fundamental object of the statute, such an action cannot stand in law and is null. This was reiterated in *Brij Mohan Singh v. State of Punjab*[33], where the Supreme Court invalidated an order of compulsory retirement since it was based on extraneous considerations that had no bearing on the decision-making process.

It is equally important that the authorities keep all material considerations in view before exercising their discretion. Failure to do so results in actions that are ultra vires and not enforceable at law. This principle was firmly laid down in *Ram Manohar Lohia v. State of Bihar*[34], where the petitioner was detained under the Defence of India Rules, 1962, allegedly to maintain "law and order," though the statute merely authorized detention to maintain "public order." The Supreme Court declared the order of detention to be void, reasoning that "law and order" and "public order" are qualitatively different, and as the reasons of detention were not identical with the statutory mandate, the action could not be justified in law.

Limits of Judicial Review

Judicial review of administrative discretion is not unlimited, and Indian courts have consistently distinguished between review of the decision-making process and review of the merits of the decision itself. In Tata Cellular v Union of India, the Supreme Court held that the purpose of judicial review is to ensure that the authority reaches its decision according to law, and not to substitute the court's own opinion for that of the administrative authority, since the duty of the court is to confine itself to the question of legality, and its concern is with whether the decision-making process was fair and not with whether the decision itself was fair.[35] This principle was anticipated by the House of Lords in Chief Constable of North Wales Police v Evans, where Lord Brightman observed that judicial review is concerned with the decision-making process and not the merits of the decision, and that the court must not act as if it were an appellate body substituting its own view for that of the primary decision-maker.[36]

[33] Brij Mohan Singh v State of Punjab AIR 1987 SC 948.
[34] *Ram Manohar Lohia v. State of Bihar* AIR 1966 SC 740
[35] *Tata Cellular v Union of India* (1994) 6 SCC 651.
[36] *Chief Constable of North Wales Police v Evans* [1982] 1 WLR 1155.

Policy and Economic Matters

Courts have exercised particular restraint in matters of economic policy, recognising that such decisions involve considerations of expediency and technical judgment that fall outside judicial competence. In BALCO Employees Union (Regd) v Union of India, the Supreme Court declined to interfere with a policy decision to disinvest a public sector undertaking, holding that it is neither within the domain of the courts nor within their scope to examine the correctness, suitability, or appropriateness of an economic policy, so long as it is not shown to be contrary to law or the Constitution.[37]

Academic and Technical Evaluations

A similar restraint is applied in matters requiring specialised or academic expertise. In University of Mysore v CD Govinda Rao, the Supreme Court held that courts should be reluctant to interfere with decisions of academic bodies regarding qualifications and appointments unless there is a clear violation of statutory provisions, since assessment of academic merit falls squarely within the domain of experts rather than judges.[38] This principle extends to technical evaluations in tender and contractual matters, where courts confine themselves to examining whether the decision-making process was arbitrary, mala fide, or in breach of Article 14, without appraising the technical merits of the decision.[39]

Conclusion and Suggestions

The judicial control over administrative discretion is a doctrine that continues to be an essential bulwark of the constitutional system. In a welfare state, it is unavoidable to give broad powers to administrative bodies for effective administration, but such powers, if utilized arbitrarily, may end up challenging the very foundations of democracy and the rule of law. Judicial review, in such a situation, acts as a corrector, ensuring that discretion does not stray beyond the limits of legality, justice, and reasonableness.

Indian jurisprudence walks a judicious balance between shying away from abuse of discretion and retaining the desired flexibility of the executive. Through the development of doctrines such as proportionality, legitimate expectation, and fairness in decision-making, the courts

[37] *BALCO Employees Union (Regd) v Union of India* (2002) 2 SCC 333.
[38] *University of Mysore v CD Govinda Rao* AIR 1965 SC 491.
[39] *Tata Cellular v Union of India* (1994) 6 SCC 651 (SC).

have attempted to restrain arbitrary conduct while ensuring administrative competence. However, it is not without issues. Judicial intervention has been criticized for being either too activist or too restraint. A more organized system, within the umbrella of clear standards of review, would enhance the predictability and uniformity of judicial supervision.

It is equally necessary that the courts themselves be dynamic in formulating doctrines to respond to new administrative steps. For instance, increased use of technology and algorithms in administration makes it a challenge in terms of transparency and impartiality, for which judicial solutions must be devised. Internal administrative accountability mechanisms aided by judicial oversight would ease the burden on courts while keeping a check on the discretionary. Similarly, implementation of measures to ensure logical decision-making, compulsory revelation of issues for deliberation, and adherence to the principles of natural justice can help reduce the possibility of arbitrariness in the exercise of discretion.

Specific Recommendations

Building on the analysis above, the following specific measures are recommended:

1. Courts should articulate a clearer, structured standard distinguishing when proportionality review applies as opposed to Wednesbury unreasonableness, rather than leaving the choice of standard to be inferred case by case.

2. Legislatures should codify the grounds of judicial review in a general administrative procedure statute, so as to improve predictability for both administrative authorities and litigants.

3. Administrative authorities should be required to record reasons for discretionary decisions as a matter of routine practice, since reasoned decision-making is both an aid to judicial review and a discipline on arbitrary exercise of power.

5. Judicial training programmes should be strengthened to build institutional capacity for reviewing technical and economic administrative decisions without either excessive deference or inappropriate substitution of judicial judgment for administrative expertise.

Lastly, judicial review of administrative discretion must be seen not as a check on governance but as a promise that adds to democratic legitimacy. The judiciary should not take over its

wisdom for the administration but ensure that discretionary power is exercised in a manner that is consonant with constitutional values. In the future, the task is to aim towards a balance in which the judicial oversight never degenerates into judicial control nor retreats into passivity. Through being devoted to this judicious path, the judiciary can ensure that discretion by the administration is a tool of good governance and safeguard the fundamental rights of citizens and uphold the stability of the constitutional regime.