

Principles of Judicial Scrutiny in Administrative Law and the Role of Writ Jurisdiction

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Abstract

Judicial scrutiny of administrative actions constitutes a vital mechanism for maintaining the rule of law and ensuring accountability within a constitutional democracy. In India, the expanding role of the State and the growth of administrative discretion have made judicial oversight indispensable to prevent arbitrariness, abuse of power, and procedural unfairness. This paper examines the core principles governing judicial scrutiny in administrative law, including legality, natural justice, reasonableness, proportionality, and the doctrine of *mala fides*, and analyses how these principles are operationalised through the writ jurisdiction of constitutional courts. Particular emphasis is placed on the role of Articles 32 and 226 of the Constitution of India, which empower the Supreme Court and High Courts to issue constitutional writs as effective remedies against unlawful administrative actions. The study highlights the distinct yet complementary functions of the two provisions, noting the broader supervisory role of High Courts and the fundamental rights–centric jurisdiction of the Supreme Court. By analysing judicial trends and landmark decisions, the paper demonstrates how writ jurisdiction has evolved from a narrow procedural remedy to a powerful instrument of substantive judicial review. The paper argues that the interaction between principles of judicial scrutiny and writ remedies has strengthened administrative accountability while preserving the functional autonomy of the executive. Ultimately, the study underscores the significance of writ jurisdiction as an essential constitutional safeguard that balances effective governance with the protection of individual rights and constitutional values.

Keywords: Judicial scrutiny; Administrative law; Writ jurisdiction; Judicial review; Rule of law

Introduction

Administrative law constitutes one of the most dynamic branches of public law, reflecting the growing role of the State in regulating social, economic, and welfare-oriented activities. In a modern governance framework, the administration is entrusted with extensive discretionary powers to implement legislative policies and deliver public services efficiently. However, the expansion of administrative authority has simultaneously increased the risk of arbitrariness, abuse of power, and erosion of individual rights. Administrative law, therefore, emerges as a mechanism that seeks to reconcile administrative efficiency with the rule of law by prescribing standards, procedures, and limitations within which public authorities must operate. It governs the organisation, powers, functions, and duties of administrative authorities while ensuring that their actions remain lawful, fair, and reasonable. The core objective of administrative law is not to obstruct governance but to ensure that the exercise of public power conforms to constitutional values, democratic accountability, and principles of justice. Within this framework, judicial scrutiny occupies a central position, acting as a constitutional safeguard against excesses of administrative discretion and ensuring that governance is conducted in accordance with legality, fairness, and proportionality¹.

Judicial scrutiny refers to the power of courts to examine the legality, procedural propriety, and rationality of administrative actions. Its importance lies in maintaining the delicate balance between administrative autonomy and individual liberty. Judicial scrutiny does not permit courts to substitute their judgment for that of administrative authorities; rather, it ensures that decisions are made within the limits of law, free from arbitrariness, *mala fides*, or procedural unfairness. By enforcing doctrines such as natural justice, reasonableness, and proportionality, judicial scrutiny strengthens public confidence in

¹ M.P. Jain, *Administrative Law of India*, 8th edn. (LexisNexis Butterworths Wadhwa, Nagpur, 2018).

administrative processes and reinforces the accountability of the executive. It also plays a vital role in protecting fundamental rights, particularly where administrative actions directly affect life, liberty, livelihood, or dignity. In this sense, judicial scrutiny functions as both a corrective and preventive mechanism, discouraging misuse of power while providing remedies against unlawful administrative conduct. Its significance has increased with the complexity of governance, where delegated legislation and administrative adjudication increasingly influence everyday life.

The evolution of writ jurisdiction in India represents a crucial constitutional development that has significantly shaped the scope of judicial scrutiny in administrative law. Rooted in the constitutional commitment to the rule of law, writ jurisdiction empowers constitutional courts to issue specific remedies against unlawful State action². Historically influenced by common law traditions, writs were incorporated into the constitutional framework to provide swift and effective remedies for violations of legal and fundamental rights. Over time, the scope of writ jurisdiction has expanded beyond its original confines, adapting to the changing needs of a welfare-oriented State. Courts have progressively interpreted writ powers liberally, allowing intervention not only in cases of jurisdictional error but also where administrative actions are unreasonable, arbitrary, or violative of principles of natural justice³. This evolutionary approach has transformed writ jurisdiction into a powerful instrument of judicial control over administration, reinforcing constitutional supremacy and administrative accountability. Consequently, the development of writ jurisdiction reflects the judiciary's proactive role in ensuring that administrative governance remains transparent, fair, and aligned with constitutional values⁴.

Judicial Scrutiny of Administrative Actions: Conceptual Framework

Administrative actions constitute the practical execution of legislative intent and policy decisions by executive authorities in a modern welfare State. Such actions include rule-making, adjudicatory decisions, policy implementation, licensing, regulation, and the exercise of discretionary powers by administrative agencies. The nature of administrative actions is thus both legislative and quasi-judicial, often affecting rights, liberties, and legitimate expectations of individuals. The scope of administrative actions has expanded considerably with the growth of State responsibilities in areas such as social welfare, economic regulation, public health, education, and infrastructure. This expansion, while necessary for effective governance, increases the potential for arbitrariness, procedural unfairness, and abuse of power. Judicial scrutiny therefore becomes essential to ensure that administrative actions conform to constitutional mandates, statutory limits, and principles of natural justice. Courts examine whether administrative authorities have acted within their jurisdiction, followed fair procedures, considered relevant factors, and avoided unreasonable or discriminatory outcomes. Judicial scrutiny does not aim to interfere with administrative efficiency but seeks to uphold legality and fairness in the exercise of public power⁵.

The rationale for judicial control over administration lies in the constitutional commitment to the rule of law and the protection of individual rights. Administrative discretion, though indispensable for flexible and effective governance, cannot be unfettered. Judicial review acts as a mechanism to regulate such discretion by preventing its misuse or arbitrary exercise. Courts intervene where discretion is exercised mala fide, for improper purposes, or in a manner that is irrational or disproportionate. At the same time, judicial review recognises the functional competence of administrative authorities and refrains from substituting judicial opinion for administrative judgment on matters of policy or technical expertise. This balanced approach ensures that administrative discretion operates within legal boundaries while preserving executive autonomy. Judicial review thus harmonises administrative necessity with constitutional accountability, reinforcing transparency, fairness, and public confidence in governance.⁶

Writ Jurisdiction as a Mechanism of Judicial Scrutiny over Administrative Actions

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² I.P. Massey, *Administrative Law*, 10th edn. (Eastern Book Company, Lucknow, 2021).

³ A.K. Kraipak v. *Union of India*, (1969) 2 SCC 262.

⁴ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

⁵ H.W.R. Wade and C.F. Forsyth, *Administrative Law*, 11th edn. (Oxford University Press, Oxford, 2014).

⁶ A.K. Kraipak v. *Union of India*, (1969) 2 SCC 262.

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Principle of Legality in Administrative Law

The principle of legality is a foundational doctrine in administrative law, signifying that all actions of administrative authorities must be authorised by law and carried out strictly within the limits prescribed by the Constitution and statutory provisions. It embodies the core idea of the rule of law, according to which no public authority can act arbitrarily, whimsically, or beyond the powers conferred upon it. Administrative bodies derive their existence and authority from law, and any action taken without legal sanction, or in excess of granted power, is liable to be declared invalid. Thus, legality ensures that public power is exercised only for lawful purposes and in accordance with prescribed procedures.

In practice, the principle of legality enables courts to scrutinise whether an administrative action has a valid legal basis and whether the authority has acted within its jurisdiction. It also requires that discretionary powers be exercised in good faith, for relevant considerations, and in a manner consistent with legislative intent. If an authority acts ultra vires—either substantively by exceeding its powers or procedurally by ignoring mandatory requirements—such action can be struck down by courts. The principle further protects individuals against misuse of administrative power by ensuring predictability, certainty, and fairness in governance. By enforcing legality, judicial review maintains constitutional supremacy, prevents abuse of authority, and reinforces public confidence in administrative decision-making.

Role of High Courts in Writ Jurisdiction

The High Court's play a pivotal role in the Indian constitutional framework through the exercise of writ jurisdiction under Article 226 of the Constitution. This provision empowers High Courts to issue writs not only for the enforcement of fundamental rights but also for "any other purpose," thereby granting them a broader and more flexible jurisdiction than that of the Supreme Court under Article 32. Through this expansive power, High Courts act as primary guardians of legality in administrative governance, ensuring that executive and statutory authorities function within the limits of law. They exercise judicial scrutiny over administrative actions on grounds such as illegality, arbitrariness, procedural impropriety, mala fides, and violation of principles of natural justice.

High Courts serve as accessible forums for individuals seeking redress against unlawful administrative decisions, particularly at the State and local levels. Their proximity to administrative authorities enables effective and timely intervention in cases involving misuse of discretion, administrative inaction, or denial of legal rights. By issuing writs such as mandamus, certiorari, prohibition, habeas corpus, and quo warranto, High Courts enforce accountability and uphold the rule of law. While exercising restraint in matters of policy and executive discretion, they ensure that administrative power

⁷ De Smith, Woolf & Jowell, *Judicial Review of Administrative Action*, 8th edn. (Sweet & Maxwell, London, 2018).

⁸ P.P. Craig, *Administrative Law*, 9th edn. (Sweet & Maxwell, London, 2021).

is not exercised arbitrarily or in derogation of constitutional values. In this manner, the writ jurisdiction of High Courts strengthens democratic governance and reinforces constitutional supremacy.

- **Key Decisions by High Courts That Shape the Scope of Writ Jurisdiction**

Over the years, several landmark decisions by High Courts have shaped and refined the scope of writ jurisdiction under Article 226, establishing important precedents on judicial oversight of executive and administrative actions. One such case is *S.P. Gupta v. UoI* (1981), often referred to as the “Judges Transfer Case,” where the SC upheld the broadening of the scope of PILs (Public Interest Litigations) under writ jurisdiction. In this case, the Delhi High Court expanded the concept of standing, allowing individuals to file writ petitions on behalf of public causes even if they did not have a direct personal interest, thus widening the accessibility of SC for the public and ensuring that the administrative machinery remained transparent and accountable. Similarly, in the case of *R.K. Jain v. UoI* (1996)⁹, the Delhi High Court emphasized that the writ jurisdiction under Article 226 could be invoked not only to challenge decisions based on infringement of fundamental rights but also in situations where there was a failure of administrative responsibility, arbitrary exercises of power, or violations of statutory duties by public authorities. This case underscored the critical role of High Courts in controlling and correcting arbitrary administrative decisions, irrespective of whether they directly impacted fundamental rights. Another significant decision came in *L. Chandra Kumar v. UoI* (1997)¹⁰, where the SC examined the jurisdiction of administrative tribunals and emphasized the High Courts' power to judicially review the decisions made by these tribunals under Article 226, reinforcing the High Court's role in ensuring that no authority or tribunal is beyond the reach of judicial scrutiny. This judgment affirmed the importance of judicial oversight at the state level, even in cases where specialized tribunals had been set up to handle specific types of cases. The Kerala High Court in *Dr. D. Subhash v. UoI* (2016)¹¹ further extended the scope of Article 226, particularly in the realm of statutory interpretation. The court ruled that administrative actions could be challenged under Article 226 if they were arbitrary or irrational, even in the absence of a direct violation of the Constitution. This judgment helped clarify that the writ jurisdiction of High Courts could intervene when administrative actions failed to adhere to the basic principles of justice, fairness, and reasonableness, even if there was no clear constitutional violation. These cases, among many others, have expanded and refined the scope of writ jurisdiction by ensuring that High Courts maintain their critical role in safeguarding citizens' rights, checking executive overreach, and ensuring that public.

Types of Writs and Their Role in Judicial Scrutiny

Writs constitute the most effective constitutional tools through which judicial scrutiny of administrative actions is exercised in India. Enshrined under Articles 32 and 226 of the Constitution, writ jurisdiction empowers the Supreme Court and High Courts to supervise administrative authorities and ensure that public power is exercised lawfully, fairly, and within prescribed limits. The five constitutional writs—habeas corpus, mandamus, prohibition, certiorari, and quo warranto—serve distinct yet complementary functions in maintaining administrative accountability and upholding the rule of law¹².

The writ of habeas corpus is primarily concerned with the protection of personal liberty. It enables courts to examine the legality of detention and order the release of individuals unlawfully deprived of their freedom. This writ acts as a direct check on executive excesses, particularly in cases of preventive detention, ensuring that administrative authorities do not violate Article 21 of the Constitution. By demanding justification for detention, habeas corpus reinforces the principle that liberty cannot be curtailed except in accordance with law.

The writ of mandamus plays a crucial role in addressing administrative inaction and failure to perform statutory duties. It is issued to compel public authorities to discharge obligations imposed by law when they neglect or refuse to do so. Mandamus ensures that administrative discretion does not degenerate into arbitrariness or inertia and that public authorities remain responsive to legal mandates. Through this writ, courts uphold accountability and ensure effective governance.

⁹ *R.K. Jain v. Union of India*, (1993) 4 SCC 119.

¹⁰ *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261.

¹¹ *Dr. D. Subhash v. Union of India*, 2016 SCC OnLine Ker 20050.

¹² M.P. Jain, *Administrative Law of India*, 8th edn. (LexisNexis Butterworths Wadhwa, Nagpur, 2018).

The writs of prohibition and certiorari are closely related and are primarily concerned with jurisdictional control. Prohibition is a preventive remedy issued to restrain a subordinate court, tribunal, or authority from acting beyond its jurisdiction or in violation of legal procedures. Certiorari, on the other hand, is corrective in nature and is issued to quash decisions already made without jurisdiction, in excess of authority, or in violation of principles of natural justice. Together, these writs ensure that administrative and quasi-judicial bodies act within their lawful boundaries.

The writ of quo warranto serves as a mechanism to prevent the unlawful occupation of public offices. It allows courts to inquire into the legality of a person's claim to a public post and to remove individuals who lack legal authority. This writ safeguards the integrity of public institutions and ensures transparency and legality in public appointments.

Collectively, these writs form the backbone of judicial scrutiny in administrative law. They provide effective remedies against misuse of power, protect individual rights, and reinforce constitutional supremacy by ensuring that administrative actions remain subject to judicial oversight.

Judicial Trends and Landmark Case Law

Judicial trends in India reveal a steady evolution of judicial scrutiny over administrative actions, marked by an expanding commitment to constitutionalism, rule of law, and protection of individual rights. Initially, courts adopted a relatively narrow approach, limiting judicial review mainly to jurisdictional errors and procedural irregularities. Over time, however, the judiciary has broadened the scope of review to include substantive grounds such as arbitrariness, unreasonableness, proportionality, and mala fides. This shift reflects the courts' recognition that mere procedural compliance is insufficient if administrative decisions result in injustice or violate constitutional values. The transition from a formalistic to a rights-oriented and fairness-based approach has significantly strengthened administrative accountability.¹³

Landmark judicial decisions have played a crucial role in shaping these trends. In *A.K. Kraipak v. Union of India*, the Supreme Court blurred the rigid distinction between administrative and quasi-judicial functions, holding that principles of natural justice apply wherever administrative decisions affect rights. In *Maneka Gandhi v. Union of India*¹⁴, the Court expanded the interpretation of personal liberty and introduced the doctrine of reasonableness into administrative decision-making, thereby widening the scope of judicial review. Similarly, *State of Uttar Pradesh v. Renusagar Power Co.* and *Tata Cellular v. Union of India* reaffirmed that while courts should not interfere with policy decisions, they may examine the decision-making process to ensure fairness, legality, and absence of arbitrariness. More recently, courts have emphasised proportionality and transparency, especially in cases involving economic regulation and public appointments. Collectively, these judicial trends demonstrate an adaptive and balanced approach, wherein courts safeguard constitutional principles without encroaching unduly upon administrative autonomy.

Comparative Analysis

A comparative analysis of the principles of judicial scrutiny in administrative law and the role of writ jurisdiction reveals the complementary manner in which substantive doctrines and procedural remedies operate to control administrative power. Principles of judicial scrutiny—such as legality, natural justice, reasonableness, proportionality, and absence of mala fides—constitute the normative standards against which administrative actions are assessed. These principles define *what* the administration must comply with while exercising power. They ensure that administrative authorities act within the bounds of law, follow fair procedures, consider relevant factors, and avoid arbitrary or discriminatory decisions. In common law jurisdictions such as India and the United Kingdom, courts have progressively moved beyond a narrow jurisdictional review to a more rights-oriented and fairness-based scrutiny, particularly where administrative decisions affect fundamental or civil liberties. Judicial scrutiny thus functions as a substantive check, focusing primarily on the decision-making process rather than the merits of the decision itself, and reflects a balance between judicial restraint and intervention¹⁵.

¹³ S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, New Delhi, 2002).

¹⁴ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; *Tata Cellular v. Union of India*, (1994) 6 SCC 651

¹⁵ H.W.R. Wade and C.F. Forsyth, *Administrative Law*, 11th edn. (Oxford University Press, Oxford, 2014)

In contrast, writ jurisdiction under Articles 32 and 226 of the Indian Constitution provides the procedural mechanism through which these principles are enforced. While the principles of judicial scrutiny establish the grounds of review, writ jurisdiction determines *how* and *by whom* such review is exercised. Article 32 enables direct access to the Supreme Court for enforcement of fundamental rights, whereas Article 226 confers a wider remedial power on High Courts to address both fundamental and legal rights. Compared to jurisdictions like the United States, where judicial review is largely exercised through ordinary civil actions, India's writ system offers swift and effective remedies against administrative excesses. The comparative strength of Indian writ jurisdiction lies in its flexibility and accessibility, allowing courts to issue tailored remedies such as mandamus, certiorari, or habeas corpus. Together, the principles of judicial scrutiny and writ jurisdiction operate in a mutually reinforcing manner, ensuring that administrative governance remains accountable, rights-respecting, and firmly anchored in the rule of law¹⁶.

Conclusion

The principles of judicial scrutiny in administrative law, when read in conjunction with the role of writ jurisdiction, form the backbone of constitutional control over administrative governance in India. As the scope and complexity of administrative functions continue to expand in a modern welfare State, the need for effective judicial oversight becomes increasingly significant to prevent arbitrariness, abuse of discretion, and erosion of individual rights. Principles such as legality, natural justice, reasonableness, proportionality, and absence of mala fides provide the substantive framework through which courts assess the validity of administrative actions, ensuring that public power is exercised within constitutional and statutory boundaries. Writ jurisdiction under Articles 32 and 226 serves as the procedural instrument that translates these principles into enforceable remedies, enabling individuals to challenge unlawful, unfair, or unreasonable administrative decisions. The Supreme Court, as the guardian of fundamental rights, and the High Courts, with their broader supervisory jurisdiction, together ensure that no exercise of administrative authority remains beyond judicial scrutiny. At the same time, Indian courts have demonstrated judicial restraint by avoiding interference in policy matters and technical decisions, thereby maintaining a balance between administrative autonomy and judicial control. This balanced approach reflects a mature constitutional jurisprudence that respects the separation of powers while upholding accountability and transparency. Ultimately, the effective integration of judicial scrutiny principles with writ jurisdiction strengthens democratic governance, reinforces the rule of law, and safeguards individual liberties, ensuring that administrative efficiency does not come at the cost of justice and constitutional values.

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¹⁶ P.P. Craig, *Administrative Law*, 9th edn. (Sweet & Maxwell, London, 2021).