



Answer: Judicial review is central in dealing with the malignancy in the exercise of the administrative power. Judicial review is the basic feature of the Indian Constitution and, therefore, cannot be abrogated even by an amendment of the Constitution. Generally, judicial review of any administrative action can be exercised on four grounds:

1. Illegality
2. Irrationality
3. Procedural impropriety
4. Proportionality

These grounds of judicial review are not exhaustive and cannot be put in watertight compartments, yet these provide sufficient base for the courts to exercise their review jurisdiction over administrative actions in the interest of efficiency, fairness and accountability.

1. **Illegality:** The grounds of judicial review is based on the principle that administrative authorities must correctly understand the law and its limits before any action is taken. Therefore, if the authority lacks jurisdiction, or abuses jurisdiction, or exceeds jurisdiction, it shall be deemed that the authority has acted “illegally”. Court may quash an administrative action on the grounds of illegality in following situation.
 - a. **Lack of jurisdiction:** Court may review an administrative action on the ground that the authority exercised jurisdiction which did not belong to it. This review power may be exercised inter alia on the following grounds:
 - The law under which an administrative authority is constituted and exercising jurisdiction is itself unconstitutional.
 - That the authority is not properly constituted as required by law.
 - That the authority has wrongly decided a jurisdictional fact and, thereby, assumed jurisdiction which did not belong to it.
 - b. **Excess of jurisdiction:** This covers a situation wherein though an authority initially had the jurisdiction but exceeded it and, hence, its action becomes illegal. This may happen in the following situations:
 - Continue to exercise jurisdiction despite occurrence of an event ousting jurisdiction.
 - Entertaining matters outside its jurisdiction.
 - c. **Abuse of jurisdiction:** In the following situations, an abuse of power may arise:
 - An error apparent on the face of the record may be a result of misinterpretation or misapplication of law.
 - Consideration of extraneous material.
 - Non-consideration of relevant material.
 - Colorable exercise of power or misdirection in law.
 - Mala fide exercise of power or bad faith or malice.
 - d. **Failure to exercise jurisdiction:** Failure to exercise power may arise:
 - Where an authority has sub-delegated its power without the authority of law, or
 - Where it is exercising its power under dictation or transcription, or
 - Where it has fettered its powers by self-imposed restrictions unwarranted by law, or
 - Where there is non-application of mind by the authority
2. **Irrationality:** Irrationality as a ground of judicial review was developed by the court in **Associated Provincial Picture House Ltd. V. Wednesbury Corp, 1948**, later came to be known as “Wednesbury test” to determine “irrationality” of an administrative action. A decision of the administrative authority shall be considered irrational-
 - If it is without the authority of law,
 - If it is based on no evidence,
 - If it is based on irrelevant and extraneous consideration
3. **Procedural impropriety:** Procedure of a decision is as important as the decision itself because if “procedure” is not fair, decision cannot be trustworthy. Therefore, courts have insisted on a “fair procedure” requirement in every administrative action. Requirement of a “fair procedure” may arise in the following ways:
 - As a constitutional mandate where fundamental rights of the people are violated,
 - As a statutory mandate.
 - As an implied requirement where statute is silent about procedure.The rules of natural justice which guarantee “fair play in action” include:
 - Rule against Bias – No one should be judge in own cause
 - Rule of fair hearing – No one should be condemned unheard.
4. **Proportionality:** Proportionality means that the administrative action should not be more drastic than it ought to be for obtaining the desired result. This implies that the cannon should not be used to shoot a sparrow.