

Judicial Review in Administrative Law: Ensuring Accountability and Fairness

Introduction

Judicial review is a fundamental aspect of administrative law that ensures accountability, fairness, and adherence to legal principles in governmental decision-making (Craig 2021). It empowers courts to assess whether administrative actions comply with constitutional and statutory requirements, thereby safeguarding individual rights against arbitrary or unlawful governmental power (Elliott and Thomas 2017). This essay explores the significance of judicial review, its legal basis, key principles, notable case law, challenges, and its impact on democratic governance.

Understanding Judicial Review

Judicial review is the process by which courts assess the legality of decisions made by public authorities (Cane 2011). It ensures that administrative bodies act within their prescribed powers and do not infringe upon fundamental rights. Judicial review is distinct from an appeal; rather than re-examining the merits of a decision, courts evaluate whether the decision-making process adhered to legal principles (Forsyth 2014).

The legal basis for judicial review varies by jurisdiction but is often enshrined in constitutional provisions, statutory laws, and common law principles (Wade and Forsyth 2014). In many democratic systems, it derives from the doctrine of separation of powers, which ensures that the judiciary acts as a check on executive authority (Dyzenhaus 2022).

Principles of Judicial Review

Judicial review operates on several key principles that help maintain administrative accountability. Public authorities must act within the scope of their legal powers. Any action beyond this scope (*ultra vires*) can be challenged and overturned (Craig 2021). Administrative decisions must follow fair procedures, including the right to a fair hearing and an unbiased decision-maker (Elliott and Thomas 2017). Decisions must be rational and based on relevant considerations. Courts may intervene if a decision is deemed irrational or manifestly unreasonable (Cane 2011). The impact of administrative decisions must be proportionate to the objectives they seek to achieve, ensuring a fair balance between individual rights and public interest (Hall 2020).

Application of Judicial Review in Administrative Law

Judicial review is commonly applied in various areas of administrative law, including employment and disciplinary actions. Government employees and public sector workers can challenge unfair disciplinary actions through judicial review, ensuring procedural fairness in dismissals and

suspensions (Forsyth 2014). When regulatory agencies issue, revoke, or deny licenses and permits, affected individuals have the right to challenge arbitrary decisions through judicial review (Wade and Forsyth 2014). Courts often review immigration authorities' decisions, ensuring that visa denials, deportations, and asylum refusals adhere to legal principles and human rights protections (Dyzenhaus 2022). Judicial review plays a critical role in assessing whether environmental agencies comply with statutory obligations in granting or denying development projects (Hall 2020).

Landmark Cases on Judicial Review

Judicial review has been shaped by several landmark cases across different jurisdictions. The UK case *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 established the modern grounds for judicial review, including illegality, procedural impropriety, and irrationality (Craig 2021). *Marbury v Madison* 5 US (1 Cranch) 137 (1803) is a foundational US case that established the principle of judicial review, affirming the judiciary's role in interpreting the Constitution (Elliott and Thomas 2017). The UK case *Anisminic Ltd v Foreign Compensation Commission* [1969] 2 AC 147 expanded the scope of judicial review, ruling that errors of law by administrative bodies render their decisions void (Forsyth 2014). The Supreme Court of Canada in *Baker v Canada (Minister of Citizenship and Immigration)* [1999] 2 SCR 817 emphasized procedural fairness and the duty to provide reasons for administrative decisions (Cane 2011).

Challenges in Judicial Review

While judicial review is an essential mechanism for accountability, it faces several challenges. Courts often show deference to administrative expertise, limiting their willingness to intervene in policy decisions (Dyzenhaus 2022). Judicial review proceedings can be lengthy and expensive, making access to justice difficult for individuals with limited resources (Hall 2020). The increasing number of judicial review applications can strain judicial resources, leading to delays in legal proceedings (Wade and Forsyth 2014). In some jurisdictions, executive influence over the judiciary may compromise the impartiality of judicial review (Craig 2021).

The Impact of Judicial Review on Good Governance

Judicial review plays a crucial role in promoting good governance and democratic accountability. By subjecting administrative actions to judicial scrutiny, judicial review promotes openness and accountability in governance (Elliott and Thomas 2017). It acts as a safeguard against arbitrary and unlawful decisions, ensuring that public authorities operate within legal limits (Forsyth 2014). Judicial review protects individual rights by ensuring that government actions align with constitutional and human rights standards (Dyzenhaus 2022). When citizens see that courts can effectively check administrative power, trust in the legal system and governance institutions is strengthened (Cane 2011).

Conclusion

Judicial review is a fundamental component of administrative law that ensures accountability, fairness, and legality in governmental decision-making. By providing a mechanism for individuals to challenge arbitrary administrative actions, it reinforces the rule of law and protects fundamental rights (Craig 2021). Despite its challenges, judicial review remains a crucial tool in promoting good governance, preventing abuse of power, and ensuring that administrative agencies operate within the bounds of justice and fairness (Elliott and Thomas 2017). As democratic governance evolves, the role of judicial review will continue to be vital in balancing state authority with individual rights and legal accountability (Dyzenhaus 2022).

References

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