



International Journal of Research Publication and Reviews

Journal homepage: www.ijrpr.com ISSN 2582-7421

Judicial Review of Quasi-Judicial decision: An Indian Perspective

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1 Introduction

In the developing world the functions of the state have multiplied by leaps and bounds, today the State is not a police State but also performs various other functions such as administration, law making and even judicial functions. There has been significant rise in the number of tribunals and other functionaries of the state which has significantly benefitted the governance of the country and carry out the functioning of the state. The power to pronounce judicial decisions on quasi-judicial bodies have very well served its purpose as the load of the normal courts have reduced and also the efficacy judgement has also increased or enhanced. The rise in the number of the sub courts or tribunals has greatly served its purpose and their decisions are also enforceable and they have full jurisdiction on the case that come before them, however an appeal lies over their order either in the Supreme Court or High court as the act specifies which gives the power to such quasi-judicial bodies. However, the quasi-judicial bodies generally not competent to enact new laws they are bound to be give decisions on the existing laws. They are also exempted from some of the formal procedures of the normal court. So, a judicial review on their decisions that is the decisions of the quasi-judicial bodies, so the Indian constitution provides for the same and the power of judicial review works for the same. The literal meaning of the judicial review would be keeping a check on the decisions of the courts, that whether the decision delivered by the court is good enough to serve its purpose, whether it follows the requisite protocols of the judicial system or not and whether there is any discrepancy in the judgement pronounced by the court. The law is to serve the society at large and it is the role of the judicial system itself to check whether the law is being governed to its fullest extent and the highest court or the superior court of the nation that is the Supreme Court does its job very well to keep a check on the powers of the authorities and also to keep a check on the decisions of the quasi-judicial bodies.

2 Judicial Review: Meaning, definition and Historical development

The meaning of judicial review has a very wide dimension and its importance too that has served the country cannot be described in the real words. It's real meaning is very hard to describe as it has come up with very wide dimension from time to time. If given a meaning to it the literal meaning of it could be given as the review of the judicial system of its own decisions, the review means taking a look into the loopholes of the decisions that have been given or trying to amend the decision so that it gives a real meaning of it. The taking into cognizance of the matter is usually done by the highest court of the judicial system that is the supreme court. The review system means keeping a check on the decisions that have been taken by the courts and objections that have been raised on them by the intellectuals or the afflicted party and the superior court sees a reason that a check should be done on the system of mechanism of the decision or the whole decision itself. The constitution of India very vividly clarifies the provision of the judicial review and clearly puts it into a separate provision under article. A very good proposition exists that power corrupts and absolute power corrupts absolutely, so the constitution makers very clearly made a provision in the constitution itself via article , so that the power that have been given to some men should not be corrupted and if it corrupts there should be someone to keep a check on that, and the supreme court of India acting as the guardian of all the courts keeps a check on the abuse of powers of the courts or the other bodies that have the power to deal with the matter of the public. The reason for such a power being afflicted on the judicial system is that there must not be an abuse of power or any vague decisions or any irregularity in the decision-making process that would harm the very motto and objective of the judicial system. The Indian system has three tier of government that is the legislature concerned with the law-making body, the executive dealing with the administration and the judiciary that deals with law governing system. The judiciary plays an important role and is concerned with the efficacy of the judicial system and is concerned with the system of justice mechanism, so the matter that come before it must be resolved with full efficacy

and keeping in view the implications of it that it would have, The courts are regarded as the places of granting justice and if justice is not imparted by them , then it would be curse on the judicial system and is likely to be very bad in terms of governance of the country, so the concept of judicial review comes into play in which the superior court or the court which sits at the highest peak in the judicial system takes the matter suo motu or if brought by the individuals, but the objective is the same that is to keep a check on the abuse of discretion of the concerned authorities , or to give the judgement a more efficient value or face. The justice mechanism should be impartial and perfect without any objections and the judicial review plays an important role in that by keeping the concerned authorities well within their limits or by making the already passed judgements more efficient by amending it or by coming out with a new proposition on appoint of law or observation.

So, as already stated above the judicial review has different meaning and many worlds could be said or written in regard to that in some or the other way but the objective which it seeks to achieve is very clear that to keep a check on the decided judgement and also to keep a check on the regulation of the system of the administrative authorities as the scope of judicial review is expanding day by day and is likely to expand day by day in the upcoming future too as per the need would arise.

3 Historical Development Of Judicial Review

The word judicial review at a very early instance came before the court in Dr Bonham Case. In this case, Dr Bohnam was forbidden to practice in London by the Royal college of physicians as he was not having a license for the same. This case is also known for the violation of Principals of Natural Justice as in this case there is Pecuniary bias. As Dr Bonham is fined for his without a license, practicing the fine would be distributed between the king and the college itself. Afterwards, the word judicial review was summarized in Marbury V. Madison, 1803. In this case, the term period of President Adam belonging to the federalist party came to an end and Jefferson the anti-federalist came to power. On his last day, Adam appointed the members of the federal party as judges. But when Jefferson came to power, he was against this. So, he stopped Madison the secretary of state, from sending the appointment letter to the judges. Marbury, one of the judges, approached the Supreme Court and filed a writ of mandamus. Court refused to entertain the plea and first opposed the order of the legislature i.e., Congress and thus the US Supreme court developed the doctrine of judicial review. Indian Constitution represents a synthesis of the ideals of several constitution of the world. The importance of present constitution was well explained by H.C.L.Merrill as it “shows the combination of a British parliamentary system where the executive is responsible to the legislature and a written constitution on the American model, including a Bill of Rights and separation of powers and federal principles by division of powers between centre and federating units, resulting in a unique constitutional position regarding judicial review in India. Unlike the U.S.A., the Constitution of India explicitly establishes the doctrine of judicial review in several articles, such as 13, 32, 131-136, 143, 226 and 246. The doctrine of judicial review is thus firmly rooted in India, and has the explicit sanction of the Constitution. Art 13(2) even goes to the extent of saying that “The State shall not make any law which takes away or abridges the rights conferred by this part (i.e. fundamental rights) and any law made in contravention of this clause shall, to the extent of the contravention, be void The courts in India are thus under a constitutional duty to interpret the constitution and declare the laws as unconstitutional if found to be contrary to any provision of part III of the constitution. In the absence of judicial review, the written constitution will be reduced to a collection of platitudes without any binding force. Accordingly, judicial review has been declared to be a basic feature of the constitution. Khanna, J. has emphasized in Kesavananda Bharti v. State of Kerala that “As long as some fundamental rights exists and are a part of the constitution, the power of judicial review has also to be exercised with a view to see that the guarantees afforded by those rights are not contravened. Judicial review has thus become an integral part of the constitutional system.” In Minerva Mills Case, Chandrachud, C.J., speaking on behalf of the majority observed: “It is function of the judges, nay their duty, to pronounce upon the validity of laws. If courts were totally deprived of that power, the fundamental rights conferred on the people will become a mere adornment because rights without remedies are as writ in water. A controlled constitution will then become uncontrolled.” Article 13 and 32 do not exhaust the power of judicial review and these two provisions signify and symbolize the great importance that the founding fathers attached to the fundamental rights guaranteed by Part III. Thus, the Supreme Court of India and the High Courts are bestowed with power of judicial review in following aspects.

1. The judicial review means the power of the courts to review delegated or subordinate legislation and the acts of the executive in terms of their compatibility with the parent Acts. This is known as the ‘Ultra Vires’ doctrine and this power is exercised by the courts in England, U.S.A. and in India.
2. Under Federal Constitutions the courts have the power to enforce the scheme of distribution of legislative powers between the Central Government and the Provincial Governments. This judicial function is inherent in a written federal Constitution irrespective of whether such power is expressly conferred or

necessarily conferred or necessarily inferred. Judicial review in this sense is peculiar to federal constitution, like that of the USA and India and hence is not found under the English Constitution which is unitary and unwritten.

3. Judicial Review in its third and most commonly used sense means the power of the courts to declare the Acts of the legislature as unconstitutional if such a legislation is repugnant to the constitution which is the fundamental law of the country. This was in essence what was propounded by Chief Justice Marshall and this power is also exercisable by the courts in the USA and India and not in the United Kingdom.

4. The peculiar feature of Indian Constitution is that Supreme Court have asserted the power of judicial review over constituent actions i.e., amendments of the Constitution. In *of Kesavananda Bharati v. State Kerala* the Supreme Court held that while the amending power under Article 368 is comprehensive enough to cover the amendment of any part of the Constitution including fundamental rights, the power could not be exercised so as to destroy those features of the Constitution which constitute the basic structure. In this case while different judges identified different feature as constituting the basic structure of the Constitution, it is remarkable that the doctrine of judicial review was not per se mentioned as one of the basic features of the Constitution. In fact, the doctrine of judicial review has been added to the list of basic features in *Minerva Mills v. Union of India* and subsequent to it wherein constitutional amendments were tested on the ground of affecting the basic structure of the Constitution, the Supreme Court struck down certain provisions of those constitutional amendments only on the ground of ouster of judicial review of the Supreme Court or of the High Courts. In *I.R. Coelho v. State of Tamil Nadu*, Y.K. Sabharwal, C.J. has observed that "Equality, rule of law, judicial review and separation of power form part of the basic structure of the constitution. Each of these concepts are intimately connected. There can be no rule of Law, if there is no equality before the law. These would be meaningless if the violation was not subject to judicial review. All these would be redundant if the legislative, executive and judicial powers are rested in one organ. Therefore, the duty to decide whether the limits have been transgressed has been placed on the judiciary

4 Quasi Judicial Bodies And Their Functions

Quasi-judicial bodies are non-judicial bodies which have the powers of interpreting the law. They are entities such as an arbitration panel or tribunal board, that could be public administrative agencies but also a contract or private law entity, which have been given powers and procedures resembling those of a court of law or judge, and which are obliged to objectively determine facts and draw conclusion from them so as to provide the basis of an official action. As the name itself suggests that those bodies which have judicial power but are partly such are called as quasi-judicial bodies, they partly function like the court, that is to say that they have the power of the courts to adjudicate or pronounce decisions but they are not strictly bound by the procedures that should be followed by the courts. A simple definition of the same is quite hard to find as may define the same in different styles but the function of these judicial bodies is likely the same that is to make the work of the courts much easier and to reduce the burden of the local courts and come with a well efficient judgement. They have the full power to adjudicate on the matter that come before them and their decisions are binding, however nonetheless an appeal lies to their order as per the body. The meaning of the term quasi is itself enough to bring out the functions of the bodies that would be coming under the ambit of quasi-judicial bodies. When something is there in partly that is to say that it is there and it is not there or is there but there are certain boundaries that are attached to it, then we may term it as quasi, that is to say that half of the thing is there but half of the thing is not there also, then we may call it as quasi. So, a quasi-judicial body would mean also the same thing that the body has got power of the judicial body but those powers are partly and not to full extent. So, in reference to quasi-judicial bodies some points of their characteristics could be stated as follows-

1. The quasi-judicial bodies act as courts partly, that is to say that they enjoy the powers of the courts but they are not bound by the strict procedures of them.
2. They may consist of a whole body or even only an individual which act as a court.
3. They are constituted for a special matter with men well versed in their respective streams.

4. They serve the purpose of reducing the workload of the ordinary courts and to come out with an efficient judgement as the deal with matters of concern or we could say that with those which are highly significant for the society or the matters with which the economy would be affected.
5. They act as a speedy trial mechanism as they deliver justice fast, the judgements that are usually pronounced by them are speedier and efficient. However, an appeal lies upon their judgements.

So, from the above points it could be very well stated that the quasi-judicial bodies act as aboon upon the judicial system of the country and the parties too that approach them. They act as a speedier mechanism for justice delivery system and have the capability of giving more efficient judgement. They act as courts but are not bound by the strict formalities of the court, however they have the power of the ordinary courts for trial of the case. They have a specific role to play as per their constitution and purpose and play a great role in the smooth functioning of the society. So, though they are judicial bodies or courts but they are quasi or partly one could say, and bringing out some differences between these quasi-judicial bodies and ordinary courts could also add to their explanation. So, the following points could be stated under the differences between the quasi-judicial bodies and the ordinary courts. They are-

1. Ordinary courts are bound by precedent in common law, whereas quasi-judicial bodies are generally not and could come up with new decision where matter of the situation needs them to so do.
2. The normal courts may create new laws as if per the requirement of the judgement, but quasi-judicial decisions are based on existing law.
3. Quasi-judicial needn't adhere to strict judicial rules (of procedure and evidence) but the ordinary courts have to strictly adhere to these policies
4. Quasi-judicial bodies can hold formal hearings only if they are mandated to do so as per their governing laws.
5. Quasi-judicial bodies many be a party to the matter thereupon and decide upon the case but the ordinary courts cannot do so.

So, the above points were to bring out the differences between the quasi-judicial bodies and the judicial bodies and it could be well said that there are majordifferences between the two, be it their constitution or the functions that they perform. So, for the better understanding of the above points, an onlook must be done be made on the different types of quasi-judicial bodies that are prevalent in our country and the functions that they perform.

National Green Tribunal.

* National Human Rights Commission-

- State Human Rights Commission
- Central Information Commission
- State Information Commission
- National Consumer Disputes Redressal Commission
- State Consumer Disputes Redressal Commission
- District Consumer Disputes Redressal Forum
- Competition Commission of India
- Appellate Tribunal for Electricity
- State Electricity Regulatory Commission
- Railway Claims Tribunal

- Income Tax Appellate Tribunal
- Intellectual Property Appellate Tribunal
- Central Excise and Service Tax Appellate Tribunal
- Banking Ombudsman
- Insurance Ombudsman
- Income tax Ombudsman
- Electricity Ombudsman
- State Sales tax Appellate Tribunal

5 Judicial Review of Quasi Judicial Bodies

The power of judicial review has been given specifically given in the Indian constitution under different articles of the constitution so that the judiciary by the very power of it which is called as the judicial review takes into ambit those questions of law that raise ambiguity over the decided cases. The judicial review in its simple meaning pertains to recheck the judicial decisions that have been passed by the courts, this rechecking or reviewing or re-examining whatever may be the term best suited to it not only works for the welfare of the afflicted parties in question but also acts as a protecting shield on the legal system as well as the society. The judicial review helps to maintain the rule of law and the principles of natural justice which are very essential for any civilized nation, and if we take into context the Indian scenario that is very much the matter of our concern it has time and again come up as a boon for the legal system and for maintain the order and rule in the society. The quasi-judicial bodies have various characteristics that have been discussed in the previous chapter of the research and have various functions that they have served as per their nature. The supreme court and the high court acting as the guardian of the courts have come up with various decisions where they have applied the power of judicial review to combat the loopholes that disrupt the rule of law and the principles of natural justice. The concept of judicial review has greatly served its purpose and its significance is immense that could not be negated, as it directly works for the upliftment of the law and the legal system of the country. Under article 226 of the Indian constitution a person can approach the High court for violation of any fundamental right or for any legal right. Also, under article 32 a person can move to the supreme court or for a question of law. But, the final power to interpret the constitution lies with the apex court that is Supreme court. The supreme Court is the highest court of the land and its decisions are binding all over the country. Laws made by the centre and the state both are subject to the judicial review. All the laws, order, bye-laws, ordinances and constitutional amendments and all other notification are subject to judicial review which are included in article 13(3) of the constitution of India. Judicial review needs to be applied and attracted, the courts cannot themselves apply for judicial review. It can be only be used only when a question of law or rule is challenged before the Hon'ble court. So, for better understanding of the concept of judicial review, it is pertinent to know the grounds of judicial review or the conditions when judicial review can be applied and the decision of the bodies be it be a judicial or quasi-judicial one can be challenged. They are-

- a) Jurisdictional Error- It refers to the error in passing of the judgement by the court, if the court which had passed the judgment does not have the jurisdiction to try the case, then a challenge against such order passed by the incompetent court could be questioned before the superior court on grounds of jurisdictional error.
- b) Irrationality- When the court in which the matter has been brought before decides the case irrationally or in clear terms decides on vague concept of law and fact, then such decisions can be challenged in the higher courts on the grounds of irrationality.
- c) Procedural impropriety- It means unfair and biased behaviour in simple terms that is to say that when the court in which the decision has been brought decides on facts that have been falsely implicated or the procedures in the trial have not been brought in ambiguity or a fair procedure has not been followed, then such cases can be challenged in the higher courts on the ground of procedural impropriety.
- d) Proportionality- It is also a very useful ground of judicial review and there is a plethora of cases in which the ground of proportionality has been taken time and again and the superior courts have come out with a conclusive judgement on that. Proportionality can be taken on the ground that the requisite

number of jury in the bench were not there or the quantum of punishment is not proportionate to the wrong done, it could be of any thing and may differ from case to case.

e) Legitimate Expectation- It is yet another important ground for judicial review, when the court before whom the matter is brought does not take into account the legitimate expectations of the parties involved or the society one could say, then it may be a ground for judicial review. On this ground there are a plethora of cases that have come under the higher judiciary and they have very well settled the matter brought before them.

So, if any of the above grounds as have been mentioned above come into finding it forms a matter of judicial review and the higher judiciary that is the High courts and the Supreme courts via the powers conferred on them via the provisions of the constitution have the power to deal with the same and come out with a conclusion that may benefit the parties afflicted and also put an impact on the society. The courts function to govern the law and it is their prime duty to see that law is enforced in the righteous manner and justice is dispensed in the society very well. The courts are places where people strive for justice and if justice is not delivered to them then it would not be a good for the society at large, so the courts have the prime function to deal the matter and come out with conclusions that are free from objections either from the society or the parties themselves. The power of judicial review acting as a boon for the people deliberately tries to sieve the loopholes that are very much apparent on the face of the decisions, the reason for such grounds that come into play may be very scattered one and one cannot directly pinpoint the inadequacy of the judgements of the lower courts, but it should be advisable to presume that due to the overburdening of the matter in the lower judiciary, some mistakes are likely to happen and people do mistakes, it is a human nature, nobody could be perfect and the same applies to the courts also. The Judges are also likely to miss such points that may form the crux matter of the decision, and the investigation officers or the persons involved at the trial of the case are likely to commit some mistakes and that is totally acceptable and if such mishapening occurs then comes the role of the higher judiciary and that is the reason for their prevalence, had there been no inconsistency in the judgements of the judicial or quasi-judicial bodies, then the duty of the higher judiciary would have been only to deal with writ petitions, PIL and RTI. So, as every coin has two flaps or sides similarly it could be said that the judges too are likely to come up with wrong decisions and the review system is enacted against their orders which is a welcome step as accuracy never ends and there is no end to perfection, but however in our system there is a limit to perfection and that limit is decided by the Supreme Courts which is Supreme as the name itself suggests and the powers attached to them advocate for.

So, bringing out the working of the judicial review against the orders of the quasi-judicial bodies, we must see the following cases-

1. *New India Assurance vs Hilli Multipurpose Cold Storage* (2020), where the Supreme court by the powers of the Judicial review answered two questions of law that came before of it. The questions that were brought before the Supreme Court were (1) Whether the District Forum has the power to extend the time of filing the response beyond the period of 15 days, in addition to 30 days as mandated by 13(2) of the acts? The second question was what would be the commencing point of limitation of 30 days stipulated under section 30 of the act? The supreme court very well addressed the two questions and concluded that the judicial bodies have no power to extend the time by 15 days if the period of 30 days has passed. And in response to the second question the Supreme Court held that the period of 30 days should be counted on the day of receiving of the notice along with the complaint copy.

2. In the case of *Indore development authority vs Manohar Lal and Others* (2020), the Supreme court headed by a 5 bench unanimously held that land owners who had refused compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had passed under section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. The bench also held that the provisions of 24 (1 a) of the Right to fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement act 2013 in case the award is not made as on 1.1.2014, the date of commencement of act of 2013, there is no lapse of proceedings. Compensation has to be derived on the provision of act of 2013.

3. In yet another case the Supreme court acting as the guardian of the courts by applying the powers of judicial review came out with an immense finding which has proved to be a boon. (*Hitesh Verma versus State of Uttarakhand* on 20 July 2020), the Supreme Court reiterated its strict position on the meaning of the words "in any place within public view" of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. In this case, the victim in her FIR alleged that six persons from a (so-called) upper caste had illegally entered her house and threatened her with dire consequences. Using casteist remarks, they took away construction material and said, "you are from a bad caste and that we will not let you live in this area." The court held that since the victim, who belongs to Scheduled Caste (SC), was abused within the four walls of her house, it does not satisfy the test of "in any place within public view".

Consequently, the court quashed the charge-sheet to that extent. The trial court had framed charges under the laws, and the same was challenged by the accused before the High Court. But the High Court maintained the charges and dismissed the petition. However, the Supreme Court bench at a pre-trial stage ruled that casteist slurs and abuses made to a scheduled caste woman within the four walls of her house, and in the presence of her workers, does not amount to an offence under Section 3(1)(r) of the Act. The Bench appeared to be more concerned with what happens in public but is not at all affected by what happens deep inside the mind and heart of the victim. It is a crucial moment like this when the importance, but critical absence, of lived experience and caste sensitization on the part of judges, is realized the most.

4. In *Indian National Congress Versus Institute of Social Welfare and Others*, decided on 10th May 2002, the Supreme Court came out with a conclusive judgement thus quashing the order of the election commission of India. The question raised before the supreme court was that whether the Election Commission of India under Section 29 -A of the Representation of People Act, 1951 (hereinafter referred to as the Act) has power to deregister or cancel the registration of a political party on the ground that it has called for hartal by force, intimidation or coercion and thereby violated the provisions of the constitution. The supreme court that there were no express provisions or in the symbols order to cancel the registration of a political party and no actions can be taken by the election commission to deregisters the political party on having violated the provisions of section 29 A of the act. The court said that the election commission acting as a quasi-judicial body registers the political party and similarly it has no power to review its own decisions and cannot cancel the registration of the political party.

6 Significance of Judicial Review In The Indian Legal System

The utility or importance of judicial review is immense and it is very hard to put a boundary line to it as it has a very expanding dimension. The courts are considered as temples of justice and justice has a very wide meaning and interpretation. It could be defined as the overshadowing of the wrong which has been done in righteous proportion, so that the extent up to which the venom of wrong has spread gets fully covered. What may be just may be unjust to the other and everyone benefit could not be taken into ambit, so the society through its intellectual men derive the righteous principles of justice which is treated as proper and good for the society. Similarly, when we take the context of law, there are also some principles such as the Rule of Law, Principles of Natural Justice which the courts usually follow for the imburement of justice in the society. The Courts in India have very wide power as they are one organ of the country which keeps a check on the other two organs namely the legislature which is concerned with the law-making process and the executive which is concerned with the implementation of those laws. The matter pertaining to both these organs come to the courts which act as final decision-making body. When a crime is committed or a dispute occurs between the parties it is not related to the parties afflicted, rather it directly or indirectly involves the whole society at large. So, the courts must have immense power to deal with any situation which is likely to disrupt the society or break the shackles of civilized society. In India, we have a hierarchy of courts that is to say that the at the lowest court we have district courts, the higher to them are the High Courts and the apex is the Supreme Court. The idea of hierarchy is not to question the validity or efficacy of the judgement, but to devise a mechanism of dispute resolution as is likely to benefit the society as well as the parties involved. The dissatisfaction of one party should not be so much that he feels that he is denied of justice and also a man mistakes such likely is the case with the case of courts, that it may happen that the courts miss out on such points at the time of decision making such as likely to affect the efficacy of the judgement. So, one such provision is that of judicial review in which the higher judiciary has the power to review its own judgement or recheck its own judgment, so as to whether the jury of the previous court which decided the matter have left some important point of consideration which is likely to hamper the efficacy of the judgement or has in itself hampered the judgement itself. Judicial review has immense significance and utility and is a boon one must say as it has come time and again with such decisions that have added to the efficacy of the judgement and have been greatly accepted by the society at large as significant and useful. So, the significance of judicial review that it has on the Indian legal system are immense it could be said and in advocacy of this statement, some points need to be mentioned. They are-

1. Judicial review acts as a weapon in the hands of the judiciary to come up with new and conclusive judgements which is likely to benefit the society and the afflicted party.
2. It acts as a weapon in the hands of the individuals too, if their decisions that they have been pronounced is unsatisfactory to them. They could approach the higher judiciary and get the matter settled in just and fair manner up to their satisfaction.
3. Judicial review settles the matter of the union and the state government when it comes into question and act as dispute settlement resolution scheme when the governments at the centre and the state collide with in respect of certain schemes.

4.They act as guardian of the inferior courts or courts at the lowest level so that efficacy of the legal system be maintained in the society and the society gets not dismantled with justice.

5.They keep a balance check at the societal level and remove any sort of discrepancies which exist or may exist.

6.They help to maintain the Rule of Law and Principles of Natural Justice so that a good legal system be achieved in the society and the supremacy of law prevails.

7.They work very well for the concept of limited government and helps to achieve constitutionalism which is the efficacy of a democratic society like ours.

8.They act as governing power over the overt acts of the judicial as well as the administrativebodies, and come up with various decisions that help the smooth functioning of the administrative setup.

9.They act as protective shield for the society as well as the policies of the society so that the society gets not into matters of conflict and is not pushed into the well of arbitrariness.

It is therefore difficult to jot done the significance of judicial review in the society as well as the legal system, as its boundaries are too high too cross over. Each and every thing that nourishes the legal system is directly or indirectly related to judicial review and time and again it has come up with various new things that is likely to add to its beneficial value. A whole essay can be written over the significance of judicial review in the legal systembut, I must confine my work on the above stated points that are significant and point out the utility of judicial review in the Indian legal system. It is the review that is to say that a recheck or reconsideration, it acts like an umpire or referee when there is question of doubt, and after reconsideration or recheck just like in a cricket match or any sport, things get cleared, such is the case in the legal system. The local courts or the lowest courts act as the field umpire and the higher judiciary acts as the third umpire or refereewhichever term may be suited to it and act as the final authority. So, it is very hard to pinpoint the signifances of the judicial review that it has or has had or is likely to have, the only things that could be said that for the legal system it is divine, pious and unobjectionable and the plethora of cases that the Indian judiciary are the evidences of the same. Thus, it could be said that it has proved to a boon on the society and the legal framework of our country and the constitution makers have done a highly appreciable job by incorporating the provisions of the judicial review in the Indian legal system and their work of drafting the constitution is highly appreciable.

7 Concluding Remarks

At the conclusion of this research work there are a lot of things which I have learned and observed, starting from the meaning of the term itself which has been vividly dealt in the above chapters, the whole concept of it that could be summarized in simple terms is that it means simply a recheck of the decisions of the courts by the higher judiciary. It could be well made out that judicial review is always for a settled judgement or a judgement which has been passed and the power of judicial review that are conferred on are The High Courts and The Supreme courts. The grounds on which this provision can be attracted have been mentioned in the chapters namely irrationality, legitimate expectation, proportionality, jurisdictional error and procedural impropriety. Talking about the quasi-judicialbodies, the concept is very much clear and it can be said that they are judicial bodies but partly that is to say that they perform the functions of the court and their judgements have great acceptability and efficacy but they are informal courts constituted to reduce the workload of the ordinary courts. So, a conflict in acceptance of their decision is likely to occur in the minds of the parties of the case, and at such time the role of judicial review comes into play. The Indian constitution has laid down very well in the articles the that advocate the concept of judicial review and defines its scope as to say which are the bodies that have such powers. The cases are immense on the point of law of judicial review but however only some of the cases have been mentioned in the above chapters that advocate for the prevalence of judicial review over the decisions of the quasi-judicialbodies. The significance or importance of the judicial review is also immense and a lot has been said in the above chapters and it could be only said that its boundaries are overwhelming and beyond reach.

So, it could be very well said that the Indian constitution clearly advocates for the power of judicial review upon the higher judiciary under various articles and if we take into the ambit of quasi-judicial bodies, they are well within the boundaries of the scope of the powers of the higher judiciary. It is a boon that our constitution makers incorporated this wonderful provision in our constitution book, and the whole legal system of our nation owe their intellect for framing such wonderful provisions. At last, I would say that as law flows with the society, the concept of judicial review has flown with the society and is likely to flow and achieve more golden heights in the upcoming future.

8 Criticisms

To criticize such a wonderful concept like that of judicial review would be difficult, however it has also been prone to certain criticism over the years, as every thing has some positive aspect and negative aspect and the concept of judicial review has also been followed up with certain criticisms some of which are-

1. The concept of judicial review is considered as undemocratic sometimes as it challenges the decisions of the legislatures sometimes which is considered to be the will of the people. The leaders in India are elected by the people at the people's will and to challenge the decision of the legislature is likely to challenge the will of the people or ultimately the society at large.
2. It is often alleged that the provisions of judicial review are too mixed up and it a mixture of too complex provisions which is hard to be understood by the common people and even the lawyers themselves.
3. If the Supreme Court struck down a law on a particular point, the question comes into play only after 5 to 10 years generally of judicial review on the matter. So, it is often alleged that when the law is dead for the particular time, it creates the administration a tough task.
4. Another criticism that the judicial review has faced is that it prohibits progressive growth of law and is rather more conservative and legalistic.
5. The judicial review is also alleged that it delays the system too much as the people wait for the constitutional validity of the question by the supreme court.
6. The critics have also alleged that the provisions of judicial review have made the parliament less responsible as they too wait for the constitutional validity on a point of law passed by them.
7. It is also alleged that this system of review tries to create a judicial tyranny as in bench of 3,5 or 9 judges, very often the cases get decided by the fate of a single judge or on the words of a single judge which is not good as the people who have passed them are much higher in number.
8. The Supreme court has many times reversed its own judgement and then accepted the previous judgement; it reflects that they too are not likely well versed with the implications of their decisions.

9 Suggestions

Suggesting to the wonderful work of the constitution makers is too difficult and no points could be said in regard to that, and if said also it may not be to the acceptance of all. But still, I would like to suggest some points in the context of judicial review working in our nation-

1. There should be a separate legislation made on the particular subject, as the matter that come under its ambit are high in number and also various critics have alleged to be mixed up which makes it difficult to be understood by the commons.
2. There should also be some educational qualifications set up as a criterion for contesting the elections so that the allegations of weak law or subjectivity of law as matter of judicial review gets reduced.
3. The judges of the judicial bodies be it be the normal or quasi-judicial bodies must pronounce the judgement after rigorously going through the trial so that the judicial review case get reduced and the matter does not take long process of settlement and flow through the hierarchy of courts.