

Reasonableness and fairness in Administrative Action: Comparative jurisprudence from India, UK and USA

Akanksha¹, Prof. Poonam Rawat²

¹ PhD Research Scholar Uttarakhand University

Email ID: aknk96@gmail.com

² Principal, Law College Dehradun, Uttarakhand University

Email ID: principallaw@uumail.in

Abstract

Reasonableness and fairness are fundamental principles that regulate the exercise of administrative power in modern democratic states. With the expansion of welfare governance, administrative authorities enjoy wide discretionary powers that directly affect individual rights and liberties. To prevent arbitrariness and misuse of such powers, courts across jurisdictions have evolved doctrines ensuring that administrative actions are rational, just and procedurally fair. This paper examines the comparative jurisprudence on reasonableness and fairness in administrative action as developed in India, United Kingdom and the United States. While the United Kingdom laid the foundation through the doctrine of *Wednesbury* unreasonableness, the United States emphasized due process and the “arbitrary and capricious” standard under administrative law. India, drawing from both these traditions, constitutionalized reasonableness and fairness under Articles 14 and 21 of the Constitution. The study highlights how these principles act as essential safeguards against arbitrary administrative action and reflects a growing convergence towards proportionality, transparency and accountability in public administration.

Keywords: *Administrative Action, Reasonableness, Fairness, Natural Justice, Due Process, Wednesbury Principle, Arbitrary and Capricious Test, Judicial Review, Comparative Administrative Law*

Introduction

In contemporary democratic governance, administrative authorities perform an indispensable role in implementing laws, formulating policies and delivering public services. With the growth of the welfare state, the scope and impact of administrative action have expanded significantly, affecting almost every aspect of citizens' lives from employment and education to welfare benefits, licensing and regulation. While such expansion is necessary for efficient governance, it simultaneously raises serious concerns regarding arbitrariness, abuse of discretion and violation of individual rights. To address these concerns, legal systems across the world have developed the doctrines of reasonableness and fairness as core principles of administrative law. Reasonableness in administrative action implies that decisions taken by public authorities must be rational, logical and based on relevant considerations. An administrative decision should not be arbitrary, excessive, or perverse. Fairness, on the other hand, emphasizes procedural propriety and ethical governance. It ensures that decisions are taken through just procedures, respecting the principles of natural justice such as the right to be heard and the rule against bias. Together, reasonableness and fairness function as vital checks on administrative discretion and form the foundation of judicial review of administrative action.¹ The concept of controlling administrative discretion is closely linked to the idea of the rule of law. In a system governed by the rule of law, power must be exercised according to law and not according to the whims of authorities. Administrative discretion, though necessary, cannot be absolute. Courts intervene when such discretion is exercised unreasonably or unfairly. Over time, judicial interpretation has transformed reasonableness and fairness from moral expectations into enforceable legal standards.

The United Kingdom played a pioneering role in shaping the doctrine of administrative reasonableness. Through judicial decisions, particularly the landmark *Wednesbury* case, British courts developed a standard to test whether an administrative decision was so unreasonable that no reasonable authority could have taken it.² This doctrine reflected judicial restraint, as courts refrained from substituting their own judgment for that of the administration, intervening only in cases of extreme irrationality. Fairness in the UK evolved primarily through the principles of natural justice, ensuring procedural safeguards in administrative decision-making. In contrast, the United States adopted a more structured and constitutional approach to administrative fairness and reasonableness. The Due Process Clauses of the Fifth and Fourteenth Amendments provide the constitutional basis for controlling administrative action. American courts developed both procedural and substantive due process doctrines, ensuring that administrative decisions are not only fair in procedure but also reasonable in substance. The “arbitrary and capricious” standard under the Administrative Procedure Act further requires administrative agencies to provide reasoned explanations for their actions, supported by evidence and rational analysis. This approach emphasizes

¹ Craig, P. (2018). *Administrative law* (8th ed.). Sweet & Maxwell.

² Wade, H. W. R., & Forsyth, C. F. (2014). *Administrative law* (11th ed.). Oxford University Press.

transparency, accountability and rational decision-making. India presents a unique and dynamic model of administrative law by synthesizing British common law principles with American constitutional values.³ The Indian Constitution, particularly Articles 14 and 21, has transformed reasonableness and fairness into constitutional mandates. Judicial interpretation has firmly established that arbitrariness is antithetical to equality and that any administrative action affecting life or personal liberty must follow a procedure that is just, fair and reasonable. Indian courts have thus adopted a more expansive and activist role in reviewing administrative decisions, especially when fundamental rights are involved. Comparative jurisprudence reveals both divergence and convergence among these jurisdictions. While the UK traditionally followed a narrow standard of review, it has increasingly adopted proportionality in human rights cases. The US continues to rely on due process and rational basis review, while India applies a broad constitutional standard of non-arbitrariness and fairness. Despite doctrinal differences, all three systems share a common objective: preventing abuse of administrative power and ensuring justice in governance. The comparative study of reasonableness and fairness is significant not only from a theoretical perspective but also for practical governance. In an era marked by regulatory expansion, digital governance and administrative complexity, these principles serve as essential tools to maintain public trust and democratic accountability.⁴ By examining the jurisprudential development of reasonableness and fairness in India, the UK and the USA, this paper seeks to understand how administrative law adapts to changing governance needs while preserving individual rights and the rule of law.

Concept of Reasonableness and Fairness in Administrative Law

In administrative law, the concepts of reasonableness and fairness constitute fundamental principles that govern the exercise of power by administrative authorities and ensure that such power is not exercised arbitrarily, irrationally, or unjustly. With the expansion of the modern welfare state, administrative bodies are entrusted with wide discretionary powers to implement laws, frame policies and regulate socio-economic activities. While discretion is essential for effective governance, its misuse can seriously affect individual rights and liberties. Therefore, the doctrines of reasonableness and fairness have evolved as essential legal controls to strike a balance between administrative efficiency and the protection of citizens against abuse of power. Reasonableness in administrative law requires that decisions taken by public authorities must be rational, logical and based on relevant considerations. An administrative action is said to be reasonable when it is taken in good faith, pursues a lawful objective and adopts means that are proportionate to the ends sought to be achieved. A decision becomes unreasonable if it is arbitrary, excessive, oppressive, based on irrelevant factors, or if relevant factors are ignored. The doctrine does not empower courts to substitute their own judgment for that of the administrative authority rather, it allows judicial review to ensure that the decision falls within the bounds of rationality and legality. In this sense, reasonableness acts as a restraint on administrative discretion, ensuring that power is exercised in a manner that a reasonable authority would adopt under similar circumstances. Fairness, on the other hand, is primarily concerned with the procedural aspect of administrative action and emphasizes justice in the decision-making process.⁵

It is closely linked to the principles of natural justice, which demand that administrative authorities act impartially and provide affected persons with a fair opportunity to be heard. Fairness requires transparency, absence of bias, consistency in decision-making and respect for legitimate expectations of individuals. It ensures that administrative actions are not only lawful but also just, humane and equitable. Over time, the concept of fairness has expanded beyond traditional natural justice to include modern doctrines such as proportionality, reasoned decisions and non-discrimination. The relationship between reasonableness and fairness is complementary and interdependent. While reasonableness focuses on the substance and rationality of an administrative decision, fairness concentrates on the manner and procedure by which the decision is reached. An administrative action may fail the test of legality if it is substantively unreasonable or procedurally unfair. Together, these principles transform administrative discretion into a duty governed by law, accountability and ethical standards. Thus, the doctrines of reasonableness and fairness play a crucial role in upholding the rule of law, preventing arbitrariness and ensuring that administrative authorities function within constitutional and legal limits while respecting the rights and dignity of individuals.⁶

LIST OF CASES

A. Indian Cases

- **E.P. Royappa v. State of Tamil Nadu**, (1974) 4 SCC 3 E.P. Royappa v. State of Tamil Nadu (1974) is a landmark case in which the Supreme Court held that arbitrariness is the antithesis of equality under Article 14. The Court ruled that even without discriminatory classification, an administrative action can be invalid if it is arbitrary or unreasonable. It emphasized that discretionary power must be exercised fairly and in good faith. This case constitutionalized the doctrine of reasonableness in Indian administrative law.⁷

³ De Smith, S. A., Woolf, H., Jowell, J., & Le Sueur, A. (2018). *De Smith's judicial review* (8th ed.). Sweet & Maxwell.

⁴ Elliott, M., & Thomas, R. (2020). *Public law* (4th ed.). Oxford University Press

⁵ Dicey, A. V. (1959). *Introduction to the study of the law of the Constitution* (10th ed.). Macmillan.

⁶ Jain, M. P., & Jain, S. N. (2022). *Principles of administrative law* (9th ed.). LexisNexis.

⁷ E. P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3, AIR 1974 SC 555 (Supreme Court of India).

- **Maneka Gandhi v. Union of India**, (1978) 1 SCC 248 *Maneka Gandhi v. Union of India* (1978) is a landmark judgment where the Supreme Court held that the procedure under Article 21 must be just, fair and reasonable, not arbitrary or oppressive. The Court linked Articles 14, 19 and 21, making them interdependent. It ruled that administrative action affecting personal liberty must follow due process and natural justice. This case constitutionalized fairness in Indian administrative law.⁸
- **State of West Bengal v. Anwar Ali Sarkar**, AIR 1952 SC 75 *State of West Bengal v. Anwar Ali Sarkar* (1952) is a landmark case on Article 14, where the Supreme Court held that equality permits reasonable classification but forbids arbitrary discretion. The Court ruled that classification must be based on intelligible differentia with a rational nexus to the object of the law. The impugned Act was struck down for giving unguided power to the executive. This case laid the foundation of the classification test under Article 14.⁹
- **Ajay Hasia v. Khalid Mujib Sehravardi**, (1981) 1 SCC 722 *Ajay Hasia v. Khalid Mujib Sehravardi* (1981) is a landmark case where the Supreme Court held that arbitrariness is violative of Article 14 and that equality applies even in matters of administrative discretion. The Court ruled that actions of authorities and instrumentalities of the State must be fair, reasonable and non-arbitrary. It expanded the scope of Article 12 by adopting the “instrumentality of State” test. This case strengthened judicial control over administrative action to ensure fairness and reasonableness.¹⁰
- **Union of India v. Hindustan Development Corporation**, (1993) 3 SCC 499 *Union of India v. Hindustan Development Corporation* (1993) is an important case where the Supreme Court recognized the doctrine of legitimate expectation in Indian administrative law. The Court held that while legitimate expectation does not confer a legal right, it entitles individuals to fair treatment and non-arbitrary decision-making by administrative authorities. Administrative discretion must be exercised transparently and reasonably. The case strengthened the principle of fairness in administrative action.¹¹
- **Om Kumar v. Union of India**, (2001) 2 SCC 386 *Om Kumar v. Union of India* (2001) is a landmark judgment where the Supreme Court clarified the application of the doctrine of proportionality in Indian administrative law. The Court held that *Wednesbury* reasonableness applies generally, but proportionality must be used when fundamental rights are involved. It distinguished between primary and secondary review by courts. This case strengthened judicial scrutiny of reasonableness and fairness in administrative action.¹²
- **A.K. Kraipak v. Union of India**, (1969) 2 SCC 262 *A.K. Kraipak v. Union of India* (1969) is a landmark case where the Supreme Court held that the principles of natural justice apply to administrative actions having civil consequences. The Court ruled that the distinction between administrative and quasi-judicial functions is thin and often blurred. It emphasized that absence of bias and fairness are essential in decision-making. This case expanded the scope of fairness in administrative law.¹³
- **Mohinder Singh Gill v. Chief Election Commissioner**, (1978) 1 SCC 405 *Mohinder Singh Gill v. Chief Election Commissioner* (1978) is a landmark case where the Supreme Court held that administrative orders must stand or fall on the reasons stated in the order itself. The Court ruled that authorities cannot supplement reasons later through affidavits. It emphasized fairness, transparency and reasoned decision-making. This case strengthened accountability in administrative action.¹⁴
- **Justice K.S. Puttaswamy (Retd.) v. Union of India**, (2017) 10 SCC 1 *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) is a landmark judgment where the Supreme Court recognized the right to privacy as a fundamental right under Article 21. The Court held that any state action infringing privacy must satisfy legality, necessity and proportionality. It emphasized fairness and reasonableness in administrative and legislative action. This case strengthened rights-based judicial review.¹⁵
- **Delhi Transport Corporation v. DTC Mazdoor Congress**, 1991 Supp (1) SCC 600 *Delhi Transport*

⁸ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, AIR 1978 SC 597 (Supreme Court of India).

⁹ *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75, (1952) SCR 284 (Supreme Court of India).

¹⁰ Deva, S. (2012). *Arbitrariness, equality and the rule of law under Article 14 of the Indian Constitution*. National Law School of India Review, 24(1), 1–28.

¹¹ Singh, M. P. (1994). *Legitimate expectation and administrative discretion: A study of Indian administrative law*. Journal of the Indian Law Institute, 36(3), 369–395.

¹² Craig, P. (2010). *Proportionality, rationality and review*. New Zealand Law Review, 265–290.

¹³ Galligan, D. J. (1986). *Fairness and natural justice in administrative decision-making*. Oxford Journal of Legal Studies, 6(2), 214–233.

¹⁴ Shapiro, M. (1992). *The giving reasons requirement*. University of Chicago Law Review, 59(1), 179–220.

¹⁵ Bhatia, G. (2017). *Privacy, proportionality and the Indian Constitution*. Indian Law Review, 1(3), 247–266.

Corporation v. DTC Mazdoor Congress (1991) is a significant case where the Supreme Court struck down a regulation allowing termination of employees without reason. The Court held that unfettered and arbitrary administrative discretion violates Articles 14 and 21. It emphasized that administrative power must be fair, reasonable and just. This case reinforced protection against arbitrary state action.¹⁶

B. United Kingdom Cases

- Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation, (1948) 1 KB 223
- Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation (1948) is a landmark UK case that laid down the doctrine of Wednesbury unreasonableness. The court held that an administrative decision is invalid if it is so unreasonable that no reasonable authority could ever have come to it. It set strict limits on judicial interference in administrative discretion. This case forms the foundation of reasonableness in UK administrative law.¹⁷
- Council of Civil Service Unions v. Minister for the Civil Service (GCHQ Case), [1985] AC 374 Council of Civil Service Unions v. Minister for the Civil Service (GCHQ Case) (1985) is a landmark UK case where the House of Lords recognized legitimate expectation as a ground for judicial review. The Court held that administrative actions affecting rights must observe fairness and natural justice, unless national security justifies exclusion. It classified grounds of judicial review as illegality, irrationality and procedural impropriety. This case expanded judicial control over administrative discretion.¹⁸
- R v. Secretary of State for the Home Department, ex parte Daly, [2001] 2 AC 532 R v. Secretary of State for the Home Department, ex parte Daly (2001) is a landmark UK case where the House of Lords emphasized the doctrine of proportionality in administrative law. The Court held that proportionality offers a more structured and intensive review than Wednesbury unreasonableness, especially in cases involving fundamental rights. It required a fair balance between individual rights and public interest. This case marked a shift towards rights-based judicial scrutiny in the UK.¹⁹
- R v. Secretary of State for Education, ex parte Tameside, [1977] AC 1014 R v. Secretary of State for Education and Science, ex parte Tameside (1977) is a key UK case on reasonableness in administrative action. The House of Lords held that decisions must be based on relevant and accurate facts, not assumptions. The minister's action was struck down for lack of proper factual basis. This case strengthened judicial review over misuse of discretion.²⁰
- R v. North and East Devon Health Authority, ex parte Coughlan, [2001] QB 213 R v. North and East Devon Health Authority, ex parte Coughlan (2001) is a landmark UK case on legitimate expectation. The Court held that where a public authority makes a clear and unambiguous promise, it must be honored unless overriding public interest justifies departure. Denial of such expectation without fairness was held unlawful. This case strengthened fairness and trust in administrative action.²¹
- Padfield v. Minister of Agriculture, [1968] AC 997 Padfield v. Minister of Agriculture (1968) is a leading UK case on misuse of discretionary power. The House of Lords held that discretion must be exercised to promote the purpose of the statute. Refusal to act for improper reasons was held unlawful. This case strengthened judicial review over arbitrary administrative discretion.²²
- R v. Sussex Justices, ex parte McCarthy, [1924] 1 KB 256 R v. Sussex Justices, ex parte McCarthy (1924) is a foundational case on the rule against bias in administrative and judicial decision-making. The court famously held that "justice must not only be done, but must also be seen to be done." Any likelihood of bias vitiates the decision. This case firmly established fairness and impartiality as essential principles of natural justice.²³

C. United States Cases

- **Goldberg v. Kelly**, 397 U.S. 254 (1970) Goldberg v. Kelly (1970) is a landmark US case on procedural due process. The Supreme Court held that welfare benefits cannot be terminated without prior notice and an opportunity of hearing. It emphasized fairness in administrative decisions affecting livelihood. This

¹⁶ Sathe, S. P. (1997). *Administrative discretion and fundamental rights in India*. Journal of the Indian Law Institute, 39(3), 359–386.

¹⁷ Craig, P. (2012). *The nature of reasonableness review*. Current Legal Problems, 65(1), 131–168.

¹⁸ Forsyth, C. F. (1990). *Legitimate expectations revisited*. Judicial Review, 5(1), 1–12.

¹⁹ Elliott, M. (2002). *The constitutional foundations of judicial review*. Law Quarterly Review, 118, 124–147.

²⁰ Taggart, M. (1984). *Judicial review of administrative fact-finding*. Public Law, 241–259.

²¹ Elliott, M. (2001). *The role of legitimate expectations in the administrative law of fairness*. Cambridge Law Journal, 60(3), 636–659.

²² Jowell, J. (1973). *The rule of law and the scope of judicial review*. Public Law, 94–114.

²³ De Smith, S. A. (1960). *Judicial review of administrative action: The rule against bias*. Law Quarterly Review, 76, 98–116.

case strengthened due process protections against arbitrary state action.²⁴

- **Chevron U.S.A., Inc. v. Natural Resources Defense Council**, 467 U.S. 837 (1984) Chevron U.S.A., Inc. v. Natural Resources Defense Council (1984) is a landmark US case that established the Chevron doctrine of judicial deference to administrative agencies. The Supreme Court held that if a statute is ambiguous, courts should defer to an agency's reasonable interpretation. This case balanced administrative expertise with judicial review. It shaped standards of reasonableness in administrative decision-making.²⁵
- **Motor Vehicle Manufacturers Association v. State Farm**, 463 U.S. 29 (1983) Motor Vehicle Manufacturers Association v. State Farm (1983) is a landmark US case on the "arbitrary and capricious" standard under administrative law. The Supreme Court held that an agency must provide a reasoned explanation for changing or rescinding a policy. Failure to consider relevant factors makes the decision invalid. This case strengthened reasoned and fair administrative decision-making.²⁶
- **County of Sacramento v. Lewis**, 523 U.S. 833 (1998) County of Sacramento v. Lewis (1998) is an important US case on substantive due process. The Supreme Court held that executive action violates due process only if it "shocks the conscience." Mere negligence is insufficient to establish a constitutional violation. This case clarified limits of reasonableness review in administrative and executive action.²⁷
- **Mathews v. Eldridge**, 424 U.S. 319 (1976) Mathews v. Eldridge (1976) is a landmark US case that laid down the balancing test for procedural due process. The Supreme Court held that due process requirements depend on balancing the individual's interest, the risk of error and the government's interest. A prior hearing is not required in every case. This case provided flexibility in applying fair procedure in administrative action.²⁸
- **FCC v. Fox Television Stations**, 556 U.S. 502 (2009) FCC v. Fox Television Stations (2009) is a significant US case on reasoned administrative decision-making. The Supreme Court held that when an agency changes its policy, it must provide a reasoned explanation for the change. Arbitrary shifts in policy violate administrative fairness. This case reinforced accountability under the arbitrary and capricious standard.²⁹
- **Rochin v. California**, 342 U.S. 165 (1952) Rochin v. California (1952) is a landmark US case on substantive due process and fairness. The Supreme Court held that state action which "shocks the conscience" violates due process. Forced extraction of evidence was declared unconstitutional. This case emphasized protection against oppressive and unreasonable state action.³⁰
- **Londoner v. City and County of Denver**, 210 U.S. 373 (1908) Londoner v. City and County of Denver (1908) is a foundational US case on procedural due process. The Supreme Court held that when administrative action affects specific individuals, they must be given notice and an opportunity to be heard. General legislative action does not require such hearings. This case established fairness in individualized administrative decisions.³¹

Concept of Reasonableness

In administrative law, the concept of reasonableness refers to the requirement that administrative decisions must be rational, logical and based on relevant considerations and must not be arbitrary, excessive, or perverse in nature. Since administrative authorities are often vested with wide discretionary powers, the doctrine of reasonableness operates as a vital legal control to ensure that such discretion is exercised within lawful limits. An administrative action is considered reasonable when it is taken in good faith, pursues a legitimate objective authorized by law and adopts means that bear a rational connection to the purpose sought to be achieved. A decision becomes unreasonable if it is influenced by irrelevant or extraneous factors, if relevant considerations are ignored, or if the outcome is so irrational that no reasonable authority acting lawfully could have arrived at such a conclusion. The doctrine does not permit courts to substitute their own opinion for that of the administrative authority rather, judicial review is confined to examining whether the decision falls within the boundaries of rationality and

²⁴ Mashaw, J. L. (1976). *The management side of due process: Some theoretical and litigation notes on the assurance of accuracy, fairness and timeliness in the adjudication of social welfare claims*. Cornell Law Review, 61(5), 772–824.

²⁵ Sunstein, C. R. (1990). *Law and administration after Chevron*. Columbia Law Review, 90(8), 2071–2120.

²⁶ Pierce, R. J., Jr. (1988). *Seven ways to deossify agency rulemaking*. Administrative Law Review, 40(1), 59–91.

²⁷ Chemerinsky, E. (1999). *Substantive due process*. Touro Law Review, 15(4), 1501–1534.

²⁸ Mashaw, J. L. (1985). *Due process in the administrative state*. Yale Law Journal, 94(8), 1819–1860.

²⁹ Kagan, E. (2001). *Presidential administration*. Harvard Law Review, 114(8), 2245–2385.

³⁰ Tribe, L. H. (1973). *Structural due process*. Harvard Law Review, 87(3), 612–686.

³¹ Vermeule, A. (2006). *Due process and the limits of law*. Columbia Law Review, 106(2), 271–306.

legality. Reasonableness thus ensures a balance between administrative autonomy and judicial control by preventing abuse of power while respecting the functional discretion of administrative bodies. Through this principle, administrative law seeks to uphold the rule of law by ensuring that public power is exercised in a manner that is fair, rational and consistent with legal standards.³²

Concept of Fairness

In administrative law, the concept of fairness represents a fundamental principle that governs the manner, procedure and ethical standards according to which administrative authorities exercise their powers. Fairness ensures that administrative action is not only lawful in form but also just, equitable and humane in substance. As administrative bodies increasingly influence the rights, interests and legitimate expectations of individuals in a modern welfare state, the requirement of fairness has emerged as an essential safeguard against arbitrary, biased, or oppressive exercise of public power. At its core, fairness in administrative law is closely associated with the principles of natural justice, which are universally recognized as minimum standards of procedural justice. These principles primarily include the rule of *audi alteram partem*, which mandates that no person shall be condemned unheard and *nemo iudex in causa sua*, which requires that decision-makers must be impartial and free from bias. Fairness demands that before any administrative decision adversely affecting an individual is taken, the person concerned must be given adequate notice, a reasonable opportunity to present their case and a fair hearing conducted by an unbiased authority. This ensures transparency, participatory decision-making and respect for human dignity.³³ However, the concept of fairness in administrative law is not confined to traditional notions of natural justice alone. Over time, courts have expanded its scope to include broader procedural and substantive dimensions. Fairness now requires administrative authorities to act consistently, reasonably and in good faith, avoiding arbitrary departures from established policies or practices. It also implies that decisions must be based on relevant material, supported by reasons and communicated clearly to affected parties, thereby enabling accountability and meaningful judicial review. The requirement of reasoned decisions has become an integral part of fairness, as it prevents secrecy and ensures that administrative actions are the result of objective consideration rather than subjective whim. Furthermore, fairness encompasses the doctrine of legitimate expectation, which protects individuals from sudden, unjustified changes in administrative policy or practice that adversely affect their reasonable expectations arising from past conduct, representations, or consistent practice of the authority. When an administrative body creates an expectation through its actions or assurances, fairness requires that such expectation be respected unless there is an overriding public interest justifying deviation. In addition, modern administrative law recognizes proportionality as an essential component of fairness. This doctrine requires that administrative measures affecting rights or interests must not be excessive or disproportionate to the objective sought to be achieved. A fair administrative action must strike a proper balance between the public interest and the individual's rights, ensuring that the least restrictive means are adopted to achieve lawful aims. Fairness also implies equality and non-discrimination in administrative decision-making. Authorities must treat similarly situated persons alike and must not act in a manner that is unjustly discriminatory or unequal without reasonable justification. The principle of fairness thus reinforces the constitutional value of equality by ensuring uniform application of administrative norms and policies. Importantly, fairness in administrative law is flexible rather than rigid – its content varies depending on the nature of the power exercised, the statutory framework, the urgency of the situation and the consequences of the decision. Courts have consistently held that the requirements of fairness are context-dependent and must be adapted to suit the demands of justice in each case. Nevertheless, even where formal hearings are excluded by statute or necessity, a minimum standard of fairness must be observed to prevent injustice. Fairness therefore transforms administrative discretion into a duty governed by ethical conduct, transparency and respect for individual rights. It acts as a moral and legal compass guiding administrative authorities toward just governance. By insisting upon fair procedures, impartial decision-making, proportional outcomes and respect for legitimate expectations, the doctrine of fairness ensures that administrative power is exercised not merely as a matter of authority, but as a trust held for the benefit of the public. Consequently, fairness occupies a central place in administrative law as an indispensable principle for upholding the rule of law, promoting good governance and maintaining public confidence in administrative institutions.³⁴

Relationship Between Reasonableness and Fairness

In administrative law, reasonableness and fairness are closely interrelated and complementary principles that together regulate the exercise of administrative discretion and ensure that public power is exercised in a lawful, just and accountable manner. Although conceptually distinct, these doctrines often overlap in their application and jointly serve as essential safeguards against arbitrary, irrational and unjust administrative action. The relationship between reasonableness and fairness can best be understood by examining their respective focus and the manner in which they collectively determine the legality and legitimacy of administrative decisions. Reasonableness primarily concerns the substantive aspect of administrative action, that is, the logic, rationality and proportionality of the decision itself. It examines whether the decision is based on relevant considerations, whether irrelevant factors have been excluded and whether the outcome is one that a reasonable authority could have arrived at under similar circumstances. Fairness, on the other hand, is largely concerned with the procedural

³² Craig, P. (2010). *Judicial review, reasonableness and proportionality*. Public Law, 79–104.

³³ Galligan, D. J. (1996). *Due process and fair procedures*. Oxford Journal of Legal Studies, 16(1), 1–30.

³⁴ Galligan, D. J. (2003). *The procedural and substantive dimensions of fairness in administrative law*. Law and Philosophy, 22(1), 1–34.

dimension of decision-making. It emphasizes the manner in which a decision is reached, ensuring that the affected individual is treated justly through impartial procedures, adequate opportunity of hearing, transparency and adherence to the principles of natural justice. Despite this conceptual distinction, administrative law recognizes that a decision cannot be regarded as legally valid merely because it satisfies one of these standards in isolation. An administrative action may be substantively reasonable yet procedurally unfair, or procedurally fair yet substantively unreasonable and in either case, it may still be subject to judicial invalidation. Thus, the true legality of administrative action lies in the harmonious application of both reasonableness and fairness. The relationship between the two principles reflects the understanding that justice in administration is not achieved solely by correct outcomes or merely by fair procedures, but by a combination of both.³⁵ Fair procedures enhance the likelihood of reasonable outcomes, while reasonable decisions reinforce the legitimacy of fair procedures. In practice, courts often assess fairness and reasonableness together, particularly when examining allegations of arbitrariness or abuse of discretion. For instance, a decision taken without granting a hearing may be considered unfair and such procedural unfairness may also render the decision unreasonable due to lack of proper consideration of relevant facts. Similarly, a decision that is excessively harsh or disproportionate, though taken after following due procedure, may still be struck down as unreasonable and, consequently, unfair to the affected individual. Over time, judicial interpretation has increasingly blurred the rigid boundaries between these concepts, recognizing that fairness has both procedural and substantive elements, while reasonableness inevitably involves considerations of justice and equity. Modern administrative law thus views fairness not merely as a procedural requirement but also as a substantive value that influences the content of administrative decisions. Likewise, reasonableness is no longer confined to extreme irrationality but is often examined in light of proportionality, balance and the impact of the decision on individual rights. The doctrine of proportionality, in particular, illustrates the convergence of reasonableness and fairness by requiring that administrative measures must be suitable, necessary and balanced in relation to the objective sought to be achieved. This doctrine ensures that administrative action is reasonable in its substance and fair in its effect. Furthermore, the principle of legitimate expectation demonstrates the interconnectedness of fairness and reasonableness, as it protects individuals from arbitrary departures from consistent administrative practice and requires authorities to act fairly and reasonably when altering established policies. The relationship between reasonableness and fairness also reinforces the constitutional values of equality, non-arbitrariness and the rule of law. Administrative authorities are expected to treat similarly situated individuals alike and to justify differential treatment through reasonable and fair criteria. In this sense, reasonableness provides the intellectual and logical framework for decision-making, while fairness supplies the moral and procedural foundation.³⁶ Together, they transform administrative discretion into a legally regulated duty rather than an unfettered power. The interdependence of these principles ensures that administrative law does not merely focus on controlling power but also on promoting good governance, transparency and public confidence in administrative institutions. Ultimately, the relationship between reasonableness and fairness reflects the evolving philosophy of administrative law, which seeks to humanize governance by ensuring that public administration functions not only efficiently but also justly, rationally and with due respect for individual rights and dignity.

United Kingdom: Wednesbury Reasonableness

In the United Kingdom, the doctrine of Wednesbury reasonableness constitutes one of the most significant principles governing judicial review of administrative action and represents the traditional common law approach to controlling administrative discretion. The doctrine derives its name from the landmark decision in *Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation (1948)*, in which the court laid down the standard for determining when an administrative decision may be interfered with on the ground of unreasonableness. Under this principle, an administrative action is considered unreasonable if it is so irrational or absurd that no reasonable authority, acting lawfully and within the scope of its powers, could have arrived at such a decision. The Wednesbury doctrine emerged as a response to the need to balance two competing concerns: on one hand, the necessity of allowing administrative authorities sufficient discretion to effectively perform their functions and on the other, the obligation of courts to prevent misuse, arbitrariness, or abuse of such discretion. In this sense, Wednesbury reasonableness reflects a philosophy of judicial restraint, whereby courts refrain from substituting their own judgment for that of the administrative authority and intervene only in exceptional cases. According to the Wednesbury test, a decision may be struck down as unreasonable if the authority has taken into account irrelevant considerations, failed to consider relevant factors, or reached a conclusion that is manifestly unreasonable in the sense of being perverse or outrageous. Mere disagreement with the decision, or the fact that the court would have reached a different conclusion, is insufficient to invalidate administrative action under this doctrine. The threshold for unreasonableness is deliberately set very high, ensuring that judicial review does not turn into an appeal on merits. This approach underscores the belief that administrative authorities, rather than courts, are better equipped to make policy choices and factual determinations within their domain of expertise. Wednesbury reasonableness thus serves as a negative test, focusing on extreme irrationality rather than positive standards of fairness or proportionality. Over time, this doctrine became the cornerstone of administrative law in the United Kingdom and shaped the contours of judicial review for decades. However, its rigid and restrictive nature has also attracted criticism. Critics argue that the Wednesbury standard provides insufficient protection to

³⁵ Craig, P. (2004). *Administrative law, reasonableness and fairness*. Public Law, 79–103.

³⁶ Elliott, M. (2011). *Proportionality and the standard of review*. Oxford Journal of Legal Studies, 31(2), 301–326.

individuals against unjust administrative action, as it allows courts to intervene only when a decision is outrageously unreasonable, leaving many unfair or disproportionate decisions beyond judicial scrutiny. Moreover, the doctrine has been criticized for its lack of clarity, as the concept of what constitutes “so unreasonable” remains inherently subjective.³⁷ Despite these criticisms, Wednesbury reasonableness has played a crucial role in preserving the separation of powers by preventing excessive judicial interference in administrative decision-making. In the contemporary legal landscape of the United Kingdom, the scope of Wednesbury reasonableness has undergone gradual transformation, particularly with the growing influence of human rights jurisprudence. The incorporation of the European Convention on Human Rights through the Human Rights Act, 1998, has led courts to adopt a more intensive standard of review in cases involving fundamental rights. In such cases, the doctrine of proportionality has increasingly supplemented or, in some instances, replaced traditional Wednesbury review. Proportionality requires a closer examination of whether the administrative measure is suitable, necessary and balanced in relation to the objective pursued, thereby offering greater protection to individual rights. Nevertheless, Wednesbury reasonableness continues to remain relevant, especially in cases that do not directly involve human rights issues. It still represents the default standard of review in many areas of administrative law, reflecting the enduring influence of common law principles. In essence, Wednesbury reasonableness embodies the traditional British approach to administrative justice, characterized by deference to administrative expertise, limited judicial intervention and respect for institutional boundaries. It serves as a foundational doctrine that has shaped the evolution of administrative law in the United Kingdom, while also providing a point of reference against which more modern and rights-oriented standards of review have developed.

Procedural Due Process

The concept of Procedural Due Process occupies a central position in administrative law, particularly within the constitutional framework of the United States, where it functions as a vital safeguard against arbitrary and unjust exercise of governmental power. Procedural due process is derived from the Due Process Clauses of the Fifth and Fourteenth Amendments, which mandate that no person shall be deprived of life, liberty, or property without due process of law. In the administrative context, procedural due process refers to the requirement that government authorities and administrative agencies must follow fair, just and reasonable procedures before taking decisions that adversely affect the rights or interests of individuals. The essence of procedural due process lies not in the correctness of the final decision, but in the fairness of the process by which that decision is reached. It embodies the fundamental idea that individuals must be treated with dignity and respect and must be given an opportunity to participate meaningfully in decisions that impact them. At its core, procedural due process incorporates the basic principles of notice and hearing. This means that before an administrative action resulting in deprivation of a protected interest is taken, the affected individual must be provided with adequate notice of the proposed action and a reasonable opportunity to be heard. The notice must be clear, timely and sufficiently detailed to enable the individual to understand the case against them and to prepare an effective response. The hearing, which need not always be a formal judicial proceeding, must nevertheless be fair, impartial and conducted before a neutral decision-maker.³⁸ Procedural due process further requires that the authority hearing the matter must act without bias and must base its decision on evidence and reason rather than on arbitrary considerations. Over time, the scope of procedural due process has expanded beyond these minimum requirements to include additional procedural safeguards depending on the nature of the interest involved and the gravity of the consequences. Courts have recognized that the content of procedural due process is not fixed or rigid rather, it is flexible and varies according to the context. Factors such as the importance of the individual interest at stake, the risk of erroneous deprivation and the governmental interest involved play a crucial role in determining the extent of procedural protection required. For instance, where administrative decisions involve fundamental interests such as livelihood, social security benefits, or personal liberty, a higher degree of procedural protection is required. Procedural due process also emphasizes the requirement of reasoned decision-making. Administrative authorities are expected to provide reasons for their decisions, especially when such decisions adversely affect individuals. Reasoned decisions promote transparency, accountability and fairness and enable affected parties to understand the basis of the decision as well as to challenge it effectively through judicial review. Additionally, procedural due process requires consistency and predictability in administrative procedures, ensuring that similarly situated individuals are treated alike and that arbitrary deviations from established procedures are avoided. Another significant aspect of procedural due process is access to representation and the right to present evidence and cross-examine witnesses where the circumstances so demand. Although administrative proceedings are generally less formal than judicial trials, procedural due process requires that individuals be given a fair chance to present their case, rebut adverse material and defend their interests effectively. The doctrine also plays a crucial role in reinforcing public confidence in administrative institutions, as fair procedures enhance the legitimacy and acceptance of administrative decisions, even when the outcome is unfavorable. Procedural due process thus acts as a bridge between administrative efficiency and individual justice, ensuring that governmental authority is exercised responsibly and ethically. It transforms administrative power from an instrument of unilateral control into a process governed by fairness, participation and accountability. By insisting upon fair procedures, impartial decision-making and respect for individual rights, procedural due process strengthens the rule of law and ensures

³⁷ Jowell, J., & Lester, A. (1988). *Beyond Wednesbury: Substantive principles of administrative law*. Public Law, 368–382.

³⁸ Mashaw, J. L. (1981). *The Supreme Court's due process calculus for administrative adjudication in Mathews v. Eldridge: Three factors in search of a theory*. University of Chicago Law Review, 44(1), 28–62.

that administration functions not merely as an extension of state power, but as a system committed to justice and democratic values.³⁹

Substantive Due Process and Reasonableness

The doctrine of Substantive Due Process represents a crucial dimension of constitutional and administrative law, particularly within the legal framework of the United States, where it operates as a substantive check on the content and outcomes of governmental and administrative action. Unlike procedural due process, which is concerned with the fairness of the method or procedure by which a decision is taken, substantive due process focuses on the reasonableness, justice and legitimacy of the decision itself. It examines whether the substance of a law, policy, or administrative action is inherently fair, rational and consistent with fundamental rights, even if it has been enacted or implemented through proper procedures. The doctrine is rooted in the Due Process Clauses of the Fifth and Fourteenth Amendments, which have been judicially interpreted to protect individuals not only from unfair procedures but also from unreasonable and arbitrary governmental interference with life, liberty and property. In the context of administrative law, substantive due process serves as a powerful safeguard against excessive, oppressive, or irrational use of administrative discretion. It requires that administrative actions must have a legitimate governmental objective and that the means adopted to achieve such objectives must bear a rational and reasonable relationship to that objective. An administrative action violates substantive due process when it is arbitrary, capricious, or lacks a rational basis, or when it disproportionately infringes upon individual rights without sufficient justification. The concept of reasonableness is therefore central to substantive due process, as it provides the standard against which the legitimacy of administrative action is assessed. Reasonableness in this context implies that the action must be supported by logic, evidence and policy justification and must not be excessive or unduly harsh in relation to the purpose it seeks to achieve. Substantive due process ensures that administrative authorities do not misuse their powers by imposing unreasonable restrictions, penalties, or regulations that go beyond what is necessary to serve the public interest. Judicial review under substantive due process involves examining whether the challenged action has a rational basis and whether it represents a reasonable balance between governmental interests and individual rights. While courts generally show deference to administrative expertise and policy choices, such deference is not absolute. Where administrative action interferes with fundamental rights or imposes serious burdens on individuals, courts apply a more searching scrutiny to determine whether the action is justified by compelling or legitimate public purposes and whether it is proportionate in its impact. In this way, substantive due process functions as a substantive limitation on governmental power, preventing authorities from acting on mere whim, prejudice, or political expediency. The doctrine has played a significant role in protecting economic rights, personal liberties and property interests against unreasonable state action. In administrative governance, it requires agencies to base their decisions on factual evidence, rational policy considerations and coherent reasoning. Administrative actions that are vague, overbroad, discriminatory, or grossly disproportionate are likely to fail the test of substantive due process. Furthermore, substantive due process reinforces the principle that governmental power is not unlimited and must always be exercised in a manner consistent with basic notions of justice, fairness and reason. It emphasizes that legality alone is not sufficient legitimacy and rationality are equally essential. By subjecting the substance of administrative decisions to judicial scrutiny, the doctrine ensures that individuals are protected from unjust outcomes that may result from unreasonable policies or excessive regulatory measures.⁴⁰ Substantive due process thus complements procedural safeguards by ensuring that even well-proceduralized decisions do not result in substantive injustice. It strengthens the rule of law by affirming that the state must govern through reasoned judgment rather than arbitrary authority. In the broader framework of administrative law, the doctrine of substantive due process and reasonableness represents an evolving commitment to balancing governmental objectives with individual freedoms, ensuring that administrative action remains anchored in rationality, proportionality and respect for fundamental rights.

India: Constitutionalization of Reasonableness and Fairness

In India, the principles of reasonableness and fairness in administrative action have been constitutionalized, meaning that they are not merely doctrines of common law or administrative convenience but are firmly embedded within the constitutional framework itself. Unlike some jurisdictions where administrative law evolved largely through judicial precedent, Indian administrative law derives its strength and legitimacy directly from the Constitution of India, particularly from the guarantees of equality, liberty and the rule of law. The constitutionalization of reasonableness and fairness reflects India's commitment to transforming the state from a colonial administrative apparatus into a democratic, welfare-oriented and rights-based governance system. In the Indian context, administrative authorities exercise vast powers that affect civil liberties, employment, welfare benefits, licenses, property and economic freedoms. To prevent misuse of such power, Indian courts have consistently emphasized that all state action must be just, fair, reasonable and non-arbitrary. This approach is primarily rooted in Article 14, which guarantees equality before the law and equal protection of the laws and Article 21, which protects life and personal liberty. Judicial interpretation has expanded the scope of these provisions to impose substantive and procedural limitations on administrative discretion. The Supreme Court of India has repeatedly held that arbitrariness is the antithesis of equality and therefore, any administrative action

³⁹ Sathe, S. P. (2010). *Judicial activism in India* (2nd ed.). Oxford University Press.

⁴⁰ Tribe, L. H. (2000). *American constitutional law* (3rd ed.). Foundation Press.

that is arbitrary, irrational, or unreasonable violates Article 14. Through this interpretation, reasonableness has become a constitutional requirement rather than a discretionary standard. Administrative decisions must be based on relevant considerations, guided by rational criteria and free from caprice, favoritism, or mala fide intent. Even where discretion is conferred by statute, it must be exercised within constitutional limits, ensuring fairness and objectivity. The constitutionalization of fairness is most vividly reflected in the judicial expansion of Article 21. Indian courts have interpreted the phrase “procedure established by law” to mean a procedure that is not only legally prescribed but also just, fair and reasonable. This interpretation transformed procedural fairness into a constitutional mandate, making adherence to natural justice an essential requirement of administrative action. As a result, administrative authorities are constitutionally obligated to provide fair hearings, act without bias, follow transparent procedures and respect the dignity of individuals affected by their decisions.⁴¹ Fairness in Indian administrative law is thus no longer confined to traditional natural justice but extends to broader notions of substantive justice. The courts have also integrated modern doctrines such as proportionality, legitimate expectation, reasoned decisions and non-discrimination into the constitutional framework of administrative law. Proportionality ensures that administrative measures affecting rights are not excessive or unduly harsh and that a proper balance is maintained between public interest and individual rights. Legitimate expectation protects individuals from arbitrary changes in administrative policy or practice, requiring authorities to act fairly and reasonably when departing from established norms. The requirement of recording reasons for administrative decisions further strengthens fairness by promoting transparency, accountability and effective judicial review. Another significant aspect of constitutionalization in India is the expansive scope of judicial review. Indian courts have adopted a more active and interventionist approach compared to traditional common law systems, particularly when administrative action affects fundamental rights. Judicial review in India is not limited to examining jurisdictional errors or extreme irrationality it extends to assessing the fairness, reasonableness and proportionality of administrative decisions. This approach reflects the constitutional philosophy that governance must be infused with justice, morality and respect for individual rights. At the same time, Indian courts have recognized the need to balance judicial intervention with administrative autonomy. While courts do not ordinarily substitute their own judgment for that of administrative authorities, they intervene when decisions are arbitrary, unreasonable, discriminatory, or procedurally unfair. This balanced approach ensures that administration functions efficiently while remaining accountable to constitutional values. The constitutionalization of reasonableness and fairness has also strengthened the idea of good governance in India.⁴² Administrative authorities are increasingly viewed as trustees of public power, obligated to act in the public interest with fairness, transparency and rationality. Citizens, in turn, are empowered to challenge unjust administrative actions not merely as violations of statutory provisions but as infringements of their constitutional rights. Thus, in India, reasonableness and fairness have evolved from administrative principles into constitutional imperatives that permeate every aspect of state action. This transformation underscores the distinctive character of Indian administrative law, where the Constitution serves as both the source and the guardian of administrative justice. Through this constitutional framework, India has developed a robust system of administrative control that seeks to harmonize state authority with individual dignity, democratic accountability and the rule of law in the governance process within India.

Table 1: Constitutional / Legal Article–Based Analysis of Reasonableness and Fairness

Country	Constitutional / Statutory Basis	Conceptual Focus	Judicial Interpretation	Impact on Administrative Action
India	Articles 14 and 21 of the Constitution of India	Equality, non-arbitrariness, fair procedure	Article 14 prohibits arbitrariness, Article 21 requires procedure to be just, fair and reasonable	Administrative actions must be rational, proportionate and procedurally fair, wide scope of judicial review
United Kingdom	Common Law principles, Human Rights Act, 1998	Reasonableness, natural justice	Wednesbury test limits intervention to extreme irrationality, proportionality applied in human rights cases	Courts exercise restrained review, focus on legality rather than merits

⁴¹ Garner, B. A. (Ed.). (2019). *Black's law dictionary* (11th ed.). Thomson Reuters.

⁴² Jowell, J. (2000). Beyond the rule of law: Towards constitutional judicial review. *Public Law*, 671–683.

United States	Fifth & Fourteenth Amendments, Administrative Procedure Act, 1946	Due Process, rationality	Procedural and substantive due process, “arbitrary and capricious” standard	Agencies must follow fair procedures and provide reasoned decisions
---------------	---	--------------------------	---	---

Article 14 and Reasonableness

In Indian administrative law, Article 14 of the Constitution of India plays a pivotal role in constitutionalizing the doctrine of reasonableness, making it a fundamental requirement for all administrative and state action. Article 14 guarantees equality before the law and equal protection of the laws and through judicial interpretation, it has been expanded far beyond its literal meaning to act as a powerful safeguard against arbitrariness in governance. The Supreme Court of India has consistently held that arbitrariness is the very antithesis of equality and therefore, any administrative action that is arbitrary, irrational, or unreasonable automatically violates Article 14. This interpretation transformed Article 14 from a mere guarantee of formal equality into a dynamic constitutional principle that governs the quality, fairness and rationality of state action. Reasonableness under Article 14 requires that administrative decisions must be based on intelligible and rational criteria, guided by relevant considerations and free from discrimination, favoritism, or caprice. Even when statutes confer wide discretionary powers upon administrative authorities, such discretion is not absolute and must be exercised within constitutional limits. Administrative action must demonstrate a rational nexus between the objective sought to be achieved and the means employed to achieve it. Decisions that are excessive, disproportionate, or manifestly unjust fail the test of reasonableness and are liable to be struck down under Article 14. Judicial interpretation has further clarified that Article 14 does not prohibit reasonable classification but forbids class legislation.⁴³ Any classification made by administrative authorities must be founded on an intelligible differentia and must have a rational relation to the object of the law or policy. Where administrative action lacks this rational basis, it is deemed unreasonable and unconstitutional. Over time, the scope of Article 14 has expanded to include substantive review of administrative decisions, enabling courts to examine not only whether the authority had the power to act but also whether the manner of exercising that power was reasonable and just. This development marked a significant shift from traditional common law restraint to a more rights-oriented and constitutional approach to administrative law. Article 14 thus acts as a constitutional check on misuse of administrative discretion, ensuring that power is exercised objectively, fairly and consistently. It obligates the state to act as a rational and responsible authority rather than as an arbitrary ruler. Through this constitutional lens, reasonableness becomes a binding legal standard rather than a matter of administrative choice. Consequently, Article 14 serves as the foundation upon which Indian courts scrutinize administrative action, reinforcing the rule of law and ensuring that governance is guided by rationality, fairness and constitutional morality rather than unfettered discretion.

Article 21 and Fairness

In Indian administrative law, Article 21 of the Constitution of India forms the constitutional foundation for the principle of fairness, transforming it into a binding requirement for all administrative action that affects life and personal liberty. Article 21 provides that no person shall be deprived of his life or personal liberty except according to *procedure established by law*. However, through progressive judicial interpretation, the Supreme Court of India has expanded the meaning of this provision to ensure that such procedure is not merely legally enacted but must also be just, fair and reasonable. This interpretation marked a turning point in Indian constitutional jurisprudence by elevating fairness from a common law or moral principle to a fundamental constitutional mandate. Fairness under Article 21 primarily emphasizes procedural justice, ensuring that administrative authorities follow due process while making decisions that have serious civil consequences. It requires that individuals be treated with dignity, that they are given adequate notice, a meaningful opportunity to be heard and that decisions are taken by impartial and unbiased authorities. Any administrative action taken in violation of these minimum standards of fairness is considered unconstitutional, even if such action is authorized by law.⁴⁴ Over time, the scope of fairness under Article 21 has expanded beyond traditional natural justice to include broader procedural and substantive protections. Fairness now demands transparency in decision-making, consistency in administrative conduct and the recording of reasons for decisions, especially when such decisions adversely affect individual rights. The requirement of reasons orders ensures accountability and enables effective judicial review, thereby preventing arbitrary exercise of power. Article 21 has also been interpreted to protect various aspects of human dignity, including the right to livelihood, privacy, shelter, health and a clean environment, all of which impose corresponding duties on administrative authorities to act fairly while formulating and implementing policies. Fairness under Article 21 further incorporates the doctrine of proportionality, requiring that administrative measures restricting personal liberty or other fundamental interests must not be excessive or disproportionate to the objective sought to be achieved. Administrative action that imposes unreasonable restrictions or causes undue hardship without sufficient justification fails the test of fairness under Article 21. Additionally, the principle of fairness requires that administrative authorities respect legitimate expectations arising from consistent past practices or assurances and any departure from such expectations must be justified by compelling public interest

⁴³ Markesinis, B. S. (1986). Reasonableness and administrative discretion. *Cambridge Law Journal*, 45(2), 263–290.

⁴⁴ Mashaw, J. L. (1985). Proportionality and administrative justice. *Yale Law Journal*, 94(6), 1143–1185.

and accompanied by fair procedure. Unlike a narrow procedural safeguard, fairness under Article 21 represents a holistic concept that combines procedural propriety with substantive justice. It ensures that administration functions as a constitutional trustee rather than an authoritarian instrument of the state. By constitutionalizing fairness, Article 21 acts as a powerful shield against oppressive and unjust administrative action, reinforcing the rule of law and ensuring that governance in India is conducted with humanity, rationality and respect for individual rights. Thus, Article 21 stands as a cornerstone of Indian administrative law, embedding fairness at the heart of state action and ensuring that administrative power is exercised in a manner consistent with constitutional values and democratic principles.⁴⁵

Proportionality and Legitimate Expectation

In Indian administrative law, the doctrines of proportionality and legitimate expectation represent advanced dimensions of reasonableness and fairness, further strengthening constitutional control over administrative discretion. These doctrines have evolved through judicial interpretation as part of the broader constitutional mandate under Articles 14 and 21, ensuring that administrative action is not only lawful but also just, balanced and trustworthy. The doctrine of proportionality requires that any administrative action affecting rights, liberties, or interests must maintain a proper balance between the means employed and the objective sought to be achieved. It insists that the action must be suitable to achieve a legitimate purpose, necessary in the sense that no less restrictive alternative is available and balanced so that the adverse impact on the individual is not excessive in relation to the public interest involved. Proportionality thus goes beyond the traditional test of unreasonableness by allowing courts to examine the intensity and impact of administrative measures, particularly where fundamental rights are implicated. It prevents administrative authorities from adopting extreme, harsh, or excessive measures when milder options would suffice, thereby ensuring fairness in outcome as well as in intent. Closely related to proportionality is the doctrine of legitimate expectation, which is rooted in the principle of fairness and the requirement of consistency in administrative behavior. Legitimate expectation arises when an administrative authority, through its consistent past practice, express promise, or established policy, creates an expectation in the minds of individuals that a certain course of conduct will be followed. While legitimate expectation does not create a legally enforceable right in the strict sense, it entitles the affected person to fair treatment before such expectation is defeated. Administrative authorities are therefore required either to honor such expectations or to provide a fair hearing and reasonable justification before departing from them. This doctrine protects individuals from arbitrary and abrupt changes in administrative policy and ensures predictability, transparency and trust in public administration. It reinforces the idea that administrative power is a public trust and must be exercised responsibly and in good faith. The doctrines of proportionality and legitimate expectation together mark a shift from a purely formal and procedural review of administrative action to a more substantive and rights-oriented approach. They enable courts to scrutinize not only whether an authority had the power to act, but also whether the action taken was fair, balanced and respectful of individual dignity. In the constitutional framework of India, these doctrines play a crucial role in harmonizing administrative efficiency with constitutional morality, ensuring that governance is guided by reason, fairness and accountability rather than unfettered discretion.⁴⁶

Table 2: Comparative Analysis of Reasonableness and Fairness in Administrative Action

Aspect	India	United Kingdom	United States
Source of Doctrine	Constitution (Articles 14 & 21)	Common Law	Constitution + Statute (APA)
Standard of Review	Non-arbitrariness, proportionality	Wednesbury unreasonableness	Arbitrary & capricious test
Nature of Fairness	Natural justice + fundamental rights	Natural justice	Procedural & substantive due process
Judicial Approach	Expansive and activist	Restrained and deferential	Balanced, reason-based scrutiny
Scope of Judicial Review	Very wide, especially in rights cases	Limited, except human rights cases	Moderate to wide depending on interest

⁴⁵ Baxi, U. (2008). The role of the judiciary in human rights protection. *Indian Journal of Constitutional Law*, 2(1), 1–22.

⁴⁶ Administrative Procedure Act, 5 U.S.C. §§ 551–559 (1946).

Role of Proportionality	Fully recognized and applied	Emerging, mainly in rights cases	Implicit through rational basis
Protection Against Arbitrariness	Strong constitutional safeguard	Limited common law protection	Strong statutory and constitutional protection
Administrative Accountability	High	Moderate	High
Overall Model	Rights-oriented constitutional model	Traditional common law model	Due process-oriented regulatory model

Emerging Trends and Convergence

In contemporary administrative law, the doctrines of reasonableness and fairness are witnessing significant evolution, marked by emerging trends and a growing convergence across jurisdictions such as India, the United Kingdom and the United States. Traditionally, each of these legal systems developed its own distinct approach to controlling administrative discretion ranging from the restrictive *Wednesbury* unreasonableness in the United Kingdom, to the structured due process framework in the United States and the expansive constitutional review in India. However, modern governance challenges, increasing recognition of human rights and the demand for accountable administration have led to a gradual narrowing of doctrinal differences and a convergence toward shared standards of justice, proportionality, transparency and rational decision-making. One of the most significant emerging trends is the shift from formal and minimal judicial review to a more substantive and rights-oriented scrutiny of administrative action. Courts across jurisdictions are increasingly unwilling to uphold administrative decisions merely because they fall within statutory authority or procedural compliance. Instead, there is a growing emphasis on examining the actual impact of administrative decisions on individual rights and interests. This has resulted in a movement away from extreme judicial restraint toward a balanced approach that respects administrative expertise while ensuring meaningful protection against arbitrariness. Another important trend is the rise of proportionality as a universal standard of review. While proportionality was initially associated with European human rights jurisprudence, it has now influenced judicial reasoning in all three jurisdictions.⁴⁷ Proportionality allows courts to assess whether administrative measures are suitable, necessary and balanced in relation to their objectives, thereby integrating both reasonableness and fairness into a single analytical framework. This marks a departure from rigid tests such as *Wednesbury* unreasonableness, which focused only on extreme irrationality and reflects a broader understanding that administrative justice requires a careful balancing of public interest and individual rights. A further area of convergence is the growing insistence on reasoned and transparent decision-making. Modern administrative law increasingly recognizes that fairness is not achieved merely by granting hearings or following procedures, but also by providing clear and rational explanations for decisions. Requiring administrative authorities to record reasons enhances accountability, prevents arbitrary exercise of power and enables effective judicial review. This trend reflects a common understanding that transparency is integral to fairness and that reasonableness must be demonstrable through logic and evidence rather than presumed authority. The expansion of legitimate expectation as a doctrine of fairness also illustrates convergence in administrative jurisprudence. Courts now recognize that individuals develop expectations based on consistent administrative practice, representations, or policies and that sudden, unexplained departures from such expectations undermine trust in governance. Protecting legitimate expectations does not freeze administrative policy, but it requires authorities to act fairly, provide justification and follow due process when altering established practices. This trend reinforces the idea that administrative power is a public trust and must be exercised responsibly. Another notable development is the integration of human dignity and constitutional values into administrative law. Administrative decisions are no longer viewed as purely technical or policy-based acts instead, they are increasingly assessed in light of their implications for human dignity, equality and liberty. This shift has encouraged courts to adopt a more holistic understanding of fairness, extending beyond procedural safeguards to include substantive justice. The influence of constitutional principles and human rights norms has thus contributed to the convergence of administrative standards across jurisdictions. Additionally, there is a growing recognition of context-sensitive fairness, where courts tailor the content of procedural and substantive safeguards according to the nature of the power exercised, the urgency of the situation and the severity of consequences.⁴⁸ This flexible approach avoids rigid uniformity while maintaining minimum standards of justice, reflecting a mature and pragmatic evolution of administrative law. The convergence of administrative law principles is also evident in the global discourse on good governance, which emphasizes accountability,

⁴⁷ *Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation*, (1948) 1 KB 223 (UK).

⁴⁸ *Council of Civil Service Unions v. Minister for the Civil Service*, [1985] AC 374 (UK).

participation, transparency and the rule of law. Administrative authorities are increasingly expected to justify their actions not only legally but also ethically and socially. This global normative influence has encouraged courts to harmonize their approaches, borrowing concepts and standards from comparative jurisprudence. Ultimately, the emerging trends and convergence in administrative law demonstrate a shared commitment to ensuring that governance is exercised through reason, fairness and responsibility rather than unchecked discretion. While doctrinal differences remain, particularly in institutional structures and constitutional frameworks, the underlying philosophy guiding administrative review has become increasingly aligned. This convergence reflects the recognition that in modern democratic states, effective administration and protection of individual rights are not competing goals but complementary objectives. By evolving toward common standards of proportionality, transparency and substantive fairness, administrative law across jurisdictions continues to strengthen the rule of law and public confidence in state institutions.⁴⁹

Conclusion

Reasonableness and fairness have emerged as indispensable pillars of administrative law, ensuring that public power is exercised within legal and constitutional limits. A comparative analysis of India, the United Kingdom and the United States demonstrates that although these jurisdictions have developed distinct doctrinal frameworks, their underlying objective remains the same to prevent arbitrariness and promote just governance. The UK's *Wednesbury* principle, the US doctrine of due process and rational review and India's constitutional mandate against arbitrariness collectively reflect an evolving global consensus on the need for accountable administration. As administrative functions continue to expand in modern states, the principles of reasonableness and fairness will remain central to safeguarding individual rights and upholding the rule of law.

References:

1. Craig, P. (2018). *Administrative law* (8th ed.). Sweet & Maxwell.
2. Wade, H. W. R., & Forsyth, C. F. (2014). *Administrative law* (11th ed.). Oxford University Press.
3. De Smith, S. A., Woolf, H., Jowell, J., & Le Sueur, A. (2018). *De Smith's judicial review* (8th ed.). Sweet & Maxwell.
4. Elliott, M., & Thomas, R. (2020). *Public law* (4th ed.). Oxford University Press.
5. Dicey, A. V. (1959). *Introduction to the study of the law of the Constitution* (10th ed.). Macmillan.
6. Jain, M. P., & Jain, S. N. (2022). *Principles of administrative law* (9th ed.). LexisNexis.
7. Sathe, S. P. (2010). *Judicial activism in India* (2nd ed.). Oxford University Press.
8. Schwartz, B. (1991). *Administrative law* (3rd ed.). Little, Brown and Company.
9. Tribe, L. H. (2000). *American constitutional law* (3rd ed.). Foundation Press.
10. Garner, B. A. (Ed.). (2019). *Black's law dictionary* (11th ed.). Thomson Reuters.
11. Craig, P. (1999). Unreasonableness and proportionality in UK law. *Public Law*, 205–230.
12. Jowell, J. (2000). Beyond the rule of law: Towards constitutional judicial review. *Public Law*, 671–683.
13. Markesinis, B. S. (1986). Reasonableness and administrative discretion. *Cambridge Law Journal*, 45(2), 263–290.
14. Mashaw, J. L. (1985). Proportionality and administrative justice. *Yale Law Journal*, 94(6), 1143–1185.
15. Baxi, U. (2008). The role of the judiciary in human rights protection. *Indian Journal of Constitutional Law*, 2(1), 1–22.
16. Constitution of India. (1950).
17. Human Rights Act. (1998). United Kingdom.
18. Administrative Procedure Act, 5 U.S.C. §§ 551–559 (1946).
19. European Convention on Human Rights. (1950).
20. *Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation*, (1948) 1 KB 223 (UK).
21. *Council of Civil Service Unions v. Minister for the Civil Service*, [1985] AC 374 (UK).
22. *Goldberg v. Kelly*, 397 U.S. 254 (1970).
23. *Chevron U.S.A., Inc. v. Natural Resources Defense Council*, 467 U.S. 837 (1984).
24. *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3 (India).
25. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

⁴⁹ *Chevron U.S.A., Inc. v. Natural Resources Defense Council*, 467 U.S. 837 (1984).