

Judicial Review

Checks on executive...



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Introduction

Judicial review is a backbone to keep a tab on the functioning of executive.

- Ensures protection of rights of individuals.
- Custodian of constitutional and legal rights .



Judicial Avenues - executives

- Supreme Court
- High Court
- Tribunals



Grievance Redressal

Service Issues

- ❖ Writ Petitions
- ❖ Writ appeals
 - Review / Revision
- ❖ SLP
- ❖ Contempt cases

Grievance Redressal

Non-service Issues

- ❖ Challenge malfeasance by executive
- ❖ Civil/Criminal dilemma
 - Land issues
 - Matrimonial issues

Judicial Review

- ✓ Kesava Nanda Bharathi Case (1973) Supreme Court guidelines
- ✓ Basic Structure of Constitution of Judicial Review.
- ✓ Not Amenable to amendment.
- ✓ The power/ authority of judiciary to executive action.



ANECDOTES

- ❖ An officer caught red handed by ACB – He approaches High Court – Exonerated from charges and effected promotions ante date retrospectively.
- ❖ An officer is faced disciplinary proceedings for 16 years and counting. High Court directed to absolve all allegations and grievance redressed.

PRINCIPLES OF NATURAL JUSTICE

- ❖ Two Core pillars
 - Nemo judex in causa sua - The rule against bias
 - No person should be judge in their own case.
 - Impartial, Neutral, Non-nepotism
 - Audi alteram partem – the right to a fair hearing.
 - No person should be condemned unheard.
 - Fair and adequate opportunity to present their case.
 - Evidence and arguments
 - Notice



JUDICIAL OVER REACH

The extra mile that Judiciary leaps to reach out the victims.

Modes

- Lunch motion
- House motion
- PILs
- Taken up PIL

Conclusions

Judicial review is both boon and bane to executive.
And there is no over smart way to escape constitutional
checks and balances.



QUESTIONARE?

OPEN TO THE AUDIENCE

Note: Opinions personal & subjected to correction

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gracias!

