

Control over Administration-Legislative, Executive and Judicial

In a democracy, the ultimate power lies with the people. They govern themselves through their representatives. As such, people can control over the administration through their elected representatives. The Administrative accountability is enforced by means of various controls. In other words, it is the control mechanism to keep the administration under a close watch and in check. They are made accountable to different agencies which exercise control over them.

Need of people's control over administration: The need of people's control over administration can easily be understood from the following points:

1. Control over administration facilitates corrective against despotic exercise of power by the public servants.
2. Control over administration is necessary to check the danger of bureaucratic power. Because, in present times, the bureaucracy has become the most powerful institution of the government.
3. The instruments of administrative control are such as to safeguard the rights and liberties of the people without curbing the power of public servants. This means that there is a need to control over administration to safeguard the rights of the people.
4. People's control over administration means control of power over administration in different ways. **L. D. White** says, "powers in a democratic society requires control, and the greater the power, the more need for control. How to vest power sufficient to the purpose in view and maintain adequate control without crippling authority is one of the historic dilemmas of popular government".
5. According to **Lord Acton**, "power is corrupt and absolute power corrupts absolutely". This implies that civil servants can misuse their power with enormous power and the Public Administration will be turned into 'administration over the people' instead of 'administration for the people'.
6. There is also need to have effective control over administration to prevent the widespread evils and maladministration of bureaucracy.
7. Finally, control over administration is needed in order to make public servants accountable and more responsible to the people. Because greater responsibility means greater control over administration.

Types of accountability and control over administration: There are two major types of control over administration, namely-(1) the internal or administrative control and (2) external or political control over administration. Both internal and external controls are interdependent and supplementary to each other for having an effective control over administration. They may be discussed as follows:

A. Internal control & accountability: The internal control is those which operate within the administration itself. It is a part of the administrative machinery and works automatically and spontaneously with the movement of the machinery as self-regulating devices. It comprises of the following:

1. **Personnel management control:** Every official is made aware of his rank, grade and salary and there are rules and regulations that govern the work conditions and conduct of the personnel management.
2. **Organizational and management control:** Regular inspections are done and requisite training is provided to officials for efficient execution of their responsibilities.
3. **Administrative ethics and professional standards:** Moral and accepted beliefs of behaviour are promoted amongst officials. The ethical values help in controlling the administration.
4. **Administrative leadership:** Leadership acceptance increases with an increase in hierarchy and position and that is encouraged to keep the motivation and morale of officials going. It should not be seen only in the negative light of a control mechanism for irrational patterns of individual's employees' activities but as a positive mechanism of harmonizing individual's activities into rational patterns.
5. **Hierarchical order:** Under the hierarchical system all administrative organisation follow the pattern of the superior-subordinate relationship through a number of levels responsibility. It helps to define the relative position of each post in the organisation clearly.
6. **Enquires and investigations:** Control over administration is also maintained by forming investigative or enquiry committees at various departmental levels.
7. **Annual confidential report:** This is another effective way in maintaining internal control over administration. The annual confidential report, keep the record of service of the officials and his capability for the performance of the job is evaluated by the superior on the basis of confidential report annually. These provide ample opportunity to control the officials internally.

B. External control & accountability: The external control operates upon the administration from the outside and work within the constitutional structure. The external control over administration may be considered mainly from the legislative, executive, judicial and of the community control. Here, we will focus on the external control mainly the legislative, executive and judicial control over administration.

1. Legislative control over administration: According to Willoughby the legislature exercises general power of 'direction, supervision and control of Public Administration'. It lays down the broader policy of administration and the administration cannot act contrary to the guidelines laid down by the legislature. The bureaucrats are shielded for their action by the Ministers through the principle of ministerial responsibility to the legislature. The legislature not only defines the functions of the government but also provides the finance for its various programmes. The control over financial matters is exercised through budgetary review and by various committees established by it. The administration cannot spend a single paisa without the sanction of legislature. The administration is expected to keep the accurate account of all financial transactions and submit the reports of such transactions to the legislature.

Various means of legislative control: Legislative control over administration is of three types- (a) control over policy, (b) control over implementation and the daily working of the departments; and (c) control over finances. Following are the means have been adopted by the legislature to control over administration:

1. **Control over delegated legislation:** Delegated legislation is one of the important means to control over legislation. In fact, delegated legislation has become a necessary evil as now a day the matters brought before the legislature to make laws are highly technical in nature.

Usually the legislators lack special knowledge and merely lay down the general principles and rules and leave the technical details to be sorted out to the administration to make rules through the process of delegated legislation.

However, it does not mean that the administration can exercise the direction in any way it likes. The legislature exercise its control over delegated legislation by constituting committees on subordinate legislations possessed with the functions of scrutinizing and reporting the House whether the powers delegated by the legislature are properly used or not.

2. **Control through debate and discussion:** Debate and discussion also constitute another effective means for the legislature for controlling the administration. For instance, the inaugural speech of the President, the budget speech, introduction of a Bill for amendment of an Act, enactment of a new law, introduction of motion or resolutions provides opportunity to the members of the Parliament for debates and discussions. Thus, when the President opens the session of Parliament, the speech delivered by him is discussed in the Parliament. During discussion, the members of Parliament may criticize the administration for its failure or lapses. Similarly, the budget speech provides another opportunity to the legislature to review and criticise the functioning of administration. Thus, the debate and discussion have great values which compel the Government to defend their administrative policies. It provides opportunity to the opposition to focus on the weak side of administration.
3. **Budgetary control:** The most effective legislative control over administration is through the budgetary system. Legislature exercises control over administration by controlling the purse of the nation. It passes the budget and authorizes expenditure. Not even a single paisa can be spent by the administration without the prior approval from the legislature. It has been aptly said, 'one who pays the piper, calls the tune.' When the budget is placed on the floor of the House, the member get opportunity to reviews the past work, scrutinize, examine and criticise the functioning of the government if there is any failure in policy decisions, set up aims and gives new directions to the government to be more alert in the functioning of administration.
4. **Control through audit:** The legislature also exercises an effective control over administration through the CAG, who functions independent of the executive control. The Comptroller and Auditor General (CAG) audit all the accounts of income and expenditure of the government and submit an Annual Report before the legislature. It brings to notice of the legislature about the irregularities and lapses on the part of administration. Again, the Public Account Committee (PAC) of the legislature scrutinises the Report of the CAG and thereafter the legislature discusses its findings. Besides, the Estimate Committee (EC) examines the estimates of different Ministries before they are voted upon by the legislature. Thus, audit is used as an effective device to control over administration by the legislature.
5. **Question-hour:** The question-hour is regarded as another method of legislative control over administration. In a parliamentary system there is the practice of setting apart one hour of Parliament's meeting time for questions is called 'Questions-Hours'. The legislative members may ask any questions on administration and the Ministers concerned answers to the questions asked by the members on the floor of the House. These questions keep the bureaucrats alerts as they have to brief their Ministers so that he can reply the questions on the floor of the House. For instance, in India from 11.00 a.m. to 12 p.m. of every Parliament day is allocated for questions-hours. During the hour, around 30 to 40 questions

are asked which helps in putting the public attention to focus on a specific issue. The main objective of putting questions is used for exposing the infirmities of the government and unmasking its flaws. The questions-hour serves as a searchlight on the failures and abuses of authority. According to Prof. W.B. Munro, "*it is an effective check upon the bureaucratic tendencies which are bound to appear in every government. It keeps the expert responsive to a body layman...*" Again, Lowell while emphasizing the importance of questions stated that, "not only keeps the administration up to the mark, but to prevent the growth of bureaucratic mark." Thus, question hour represent a very effective tool of legislative control over administration.

6. **Zero-hour discussion:** Zero-hour-discussion happens after the questions-hour i.e, 12 p.m. and since 12 p.m. is called zero-hour and therefore it is named 'zero-hour'. It is an extra regular method that is entirely an Indian innovation since 1962. It is invoked after question hour with the consent of Presiding Officer to incite opinions on matter of public importance which have not been listed in day's business.
7. **Half-an-hour discussion and short-discussion:** This is another important tool in the hands of the legislature to maintain its control over the administration. It is subsequent to the question-hour. Normally, the question-hour may be allowed by half-an-hour discussion when a member feels dissatisfied regarding a particular answer given by concerned ministers. Similarly, during short-discussion the legislature may extract more relevant information on a matter of public policy from the government.
8. **Control through motions or resolutions:** The legislature also controls the administration through various motions and resolutions. The most frequently used motions are-call-attention motion, censure motion, adjournment motion, and no-confidence motion. They may be stated as follows:
 - (a) The call-attention motion is introduced by the member of the Parliament with due permission of the chair to draw the attention of a minister to an urgent matter of public importance and request him to make a statement thereon.
 - (b) A censure motion may be moved against the whole ministry or group of ministers or even an individual ministry for their inability to act or not to act for their policy, revealing regret, indignation or surprise of the House.
 - (c) Similarly, motion of no-confidence is intended to dislodge the government. The motion obviously implies the lack of confidence in the ministry owing to its failure or inefficiency of serious in nature.
 - (d) Likewise, the motions for adjournment are tabled to discuss a specific or definite matter of urgent public importance on the floor of the House. The sole purpose of adjournment motion is to censure the government in order to influence its decisions. On the other hand, legislature has the power to pass resolutions on any matter to censure a particular minister or the government as a whole. The difference between resolution and motion is that resolutions are recommendatory in nature which may or may not be accepted by the government, where as the motions may leads to the resignation of the whole ministry.
9. **Control through administrative laws:** Various laws are passed by the legislature in the form of broad outlines and detailed of the provisions of law are left to the executive to be filled in. The legislature may instruct the executive to lay the rules framed under Enabling Acts before the legislature. In the same way, a committee of the House may be appointed to examine these rules and report the same to the House regarding their accuracy.

10. Committee on Assurance: The legislature also exercises controls over the administration by appointing committees from its own members. The Ministers make some promises and assurances on the floor of the House during the courses of debates, discussion and questions. So, it is the duty of the Committee on Assurance to see whether the assurances and undertakings made in the legislature are fulfilled or not. In fact, the Committee on Assurances has substantially helped the legislature to keep its control over administration. M. N. Kaul asserted that the formation of the Assurance Committees has, *“helped not only to keep vigil on the administrative efficiency but also has helped in removing many of the defects inherent of the previous system. The ministers are now careful in giving promises and the administration is prompt enough to take action on the promises given.....The various ministries of the government are now conscious of their duties towards Parliament.”*

11. Other Committees of legislature: There are plenty of committees which help legislature to exercise its control over administration. They are- (i) Public Accounts Committee, (b) Estimates Committee, (c) Committee on Public Undertakings and (d) Committee of Subordinate Legislation. Besides, the legislature also appoints other Special Committees from time to time to make enquiry into any particular matter. These Committees are regarded as the right-hands of the legislature which provides effective means of exercising control over the administration.

Limitations of legislative control: The extent of control of the legislature over the administration has been quite limited on account of the following reasons:

1. In a parliamentary system of government, on account of rapid growth of rigid party system, principle of collective responsibility, parliamentary control over the executive, fear of dissolution at the hands of the Prime Minister has been substantially circumscribed. For instance, the executive in India or UK have become the master of the whole show. They are supported by the majority in the legislature who always dance to their tune. In practice, the legislature is a tool in the hands of the cabinet.
2. In the Presidential system like USA, the executive already enjoy lot of immunities from the legislative control. For example, treaties and important appointments are generally ratified by the Senate, provided President's own party is holding majority support in the Senate.
3. The size of modern legislatures is large in size. Because of its large size, it is beyond capacity on the part of the legislature to exercise effective control over administration.
4. Most of the members elected or nominated to the legislature are laymen. They lack technical know-how of the administration, whereas the members of administration are well expert and possess specialized knowledge. In that case, the legislature cannot control the administrators who are experienced and possess skilled technical knowledge.
5. The party which commands majority support on the floor of the House is invited to form the government. As such, majority members belong to the ruling party and there are scant chances of censure-motion, adjournment-motion or no-confidence motion being passed against the government.
6. Critics pointed out that various committees especially the financial committees formed in the legislature do merely the post-mortem work. The report the legislature about the irregularities after it has been done.
7. The declaration of emergency also cuts the hands of the members of legislature to have a tight-control over the administration.

2. Executive control over administration: The executive control over administration is constant and continuous. They executive give positive and continuous guidance and directions to the administration which keeps the administration always alert.

Various means of executive control: There are a number of means of executive control of administration. Gladden has stated three important methods of control of the executive over the administration. They are-(a) political directions through ministerial administrators, (b) operation of the national budgetary system and (c) recruitment by an independent authority. Besides, all these three (3) methods there are also other means in the hands of the executive to maintain its control over administration, which may be discussed as follows:

1. **Control through policy-making:** The executive plays a very significant role in policy-making. The major task in front of the Chief Executive is to frame various administrative policies. In a parliamentary system of government, it is the cabinet under the leadership of the Prime Minister is the in charge of policy making and overall coordination of the various departments of the government. They lay down the policy, look to its implementation and issues directives to the departmental officials. Similarly, in the Presidential system like USA, the President as the Chief Executive determines the general lines of administrative policy. He may even delegate some of policy-making power to the heads of various administrative departments, but the overall responsibility for policy-making lies with him.
2. **Control through political directions:** Political direction is another important method through which the executive maintain its control over administration. The Minister is empowered to manage his own department and has the power of direction, control and supervision. He may supervise the working of his department and may issue directions to increase the efficiency of the department. Thus, the officials work under his general political direction. It is pertinent to mention here that the executive control over administration depends not only on the constitutional or legal system of the system, but also upon his political directions.
3. **By forming administrative organisations:** The minister who is the political boss of the department. It is the executive which determines the number of departments through which the administration is to be carried out. He may alter in the existing department or reconstruct the department for the advantage of administration. In this way the executive exerts his influence and controls over administration organisation.
4. **Control through delegated legislation:** In modern times the delegated legislation has become an important means of exercising executive control over administration. Most of the laws passed by the legislature are in skeleton character and the executive is empowered to fill in the details. Indeed, this is a great power in the hands of the executive which can be used in controlling the administration by laying down rules and regulations in the execution of the laws concerned.
5. **Control through issuing ordinance:** The power of issuing ordinance is another means of executive control over administration. The ordinances are issued by the Chief Executive to meet an emergent situation which may arise when the legislature is not in session. However, they remain in operation for a temporary period and cease to be in force unless approved by the legislature as soon as it meets. In India and some other countries the executive has the power of issuing ordinance which has same sanction of law as an act passed by the Parliament.

6. **Control through budgetary system:** The executive further exercises control over administration through the budgetary system. It is the executive which is responsible for framing the budget, getting the demand for grants passed in the Parliament, and allocation of required fund to each department for expenditure. The civil servants have to work within the budgetary allocation and even a single paisa cannot be spent without the sanction from his superior authority. For this, proper accounts are to be maintained which are subject to audit. Thus, through proper budgetary system, the administration remains under effective and continuous control of the executive.
7. **Control through recruitment, transfer and removal of officials:** This is another means of executive control over administration. In general, recruitment to civil services is vested with the Public Service Commissions, which works as an independent constitutional body. However, the rules of recruitment and appointments are laid down by the government. Required qualifications, experience etc. for various posts are determined by the executive. It possesses power to exclude certain posts from the purview of the Public Service Commissions. For instance, in India the executive has free hand in the appointment of certain key posts of civil service. The ministers are quite free to select their heads of departments and their own secretaries. He may transfer the officials from one branch to another and make changes in the allocation of their work. Similarly, the executive retains the power to remove the officials appointed by it. Thus, through the power of appointment and removal of all these appointees the executive exercise full control over the administration.

Importance of executive control over administration: The executive control over administration is regarded essential to keep the administration on its tract. The importance of executive control especially in a Parliamentary or Presidential form of government can be discussed under the following points:

1. Executive control over administration is direct, effective and continuous, and continuous in nature. The executive control not only keeps the administration under its control but also provides continuous direction and proper guidance to the operation of administration.
2. The executive control over administration is a vital necessity to check the uncontrolled activities of civil servants. Effective executive control over administration reduces the chances of corruption, evils and maladministration of the civil servants.
3. The doctrine of ministerial responsibility is the cardinal principle in a parliamentary system of government. As political heads of the department, the minister is held responsible for a mistake done by a civil servant in his department. Even the ministers are compelled to resign for the mistake made by officials. Therefore, effective control over administration is needed to run the administration efficiently.
4. The main need of executive control over administration lies in the fact that the growing activities of modern states, the powers of the civil servants are growing everywhere, hence the ministers find it necessary to keep a check on their excessive powers.
5. **Prof. Negro** stated that the executive controls over administration are “most important for their positive development and enforcement of standards and safeguards in the actual operation of substantive departments”.
6. The Chief Executive formulates policies and their implementation entirely depends on the civil servants. Very often the executive find it difficult to implement programmes owing to the vested interest of bureaucrats. For example, during President Roosevelt’s

term in the USA, the civil servants stood as an obstacle in the speedy execution of the New Deal Legislation. Likewise, in the UK the civil servants proved to be an impediment to the socialist programmes of the Labour Government in the wake of World War-II. All these conservative nature of the bureaucrats also prove to have a proper control on the administration by the executive.

Thus, the above discussion reveals the significance of executive control over administration. However, effectiveness of executive control depends on the minister-civil servant relationship. It is well known fact that the ministers are lay man and has to depend on the administrative abilities of his secretaries who are specialized in knowledge and expert in these fields. For a harmonious functioning of administrative departments, an effective coordination between political executive and civil servants as permanent executive is a must. The executive formulate the policies and take decisions which are implemented by the civil servants. Both ministers and civil servants should work together as a team to run the administration smoothly.

3. Judicial control over administration: In a modern democracy, the judiciary plays an important role in protecting sanctity of the supreme law of the land-the Constitution. It works as the vanguard of the rights and liberties of the people. Its role in protecting the citizens against the excess of officials has become all more important with the increase in powers of the public officials.

Meaning of judicial control:

In simple words the judicial control over administration means the power of the courts to examine the legality of the acts of officials and thereby to safeguard the rights of the people. In other words, it also implies the rights of an aggrieved citizen to bring a suit whether civil or criminal in a court of law against a public official for the wrong done to him in the course of discharge of his public duty.

Lord Bryce rightly remarked that there is no better test of the excellence of a government than the efficiency and independence of its judicial system. While emphasizing the importance of judicial control over administration **L.D.White** writes, “*By judicial control of administrative acts is to ensure their legality and thus protect citizens against unlawful trespass on their constitutional and other rights*”.

Thus, judicial control means the power of the judiciary to determine the legality of acts of government officials and to declare *ultra vires* if they are found to be based on abuse of authority, excess of jurisdiction, error of law, error of fact-finding and error of procedure.

Various means of judicial control:

The judicial control over administration can be exercised through two important methods- (a) Rule of Law and (B) Administrative Law (Droit Administratifs). The system of rule of law is prevalent in the countries like UK, USA, India etc., whereas Administrative Law is prevails mainly in France and in some other countries of Europe. Here we are going to discuss them in some details:

(1) Judicial intervention in administrative cases: Public officials get a lot of opportunity to wield authority in their own direction and which can be abused also. The judicial control is a check upon highhandedness or arbitrariness of the executive. However, it is important to mention in this context that judiciary does not interfere on its own accord in administrative activities. The court can intervene when a complaint is lodged to the judiciary by a person who feels that his rights have been violated or likely to be infringed by some actions of the public officials. Moreover, the court intervenes in administrative cases on the following grounds:

- (a) When the administrative case involves lack of jurisdiction.

- (b) When the administrative case involves error of law.
- (c) When the administrative case involves error of fact-finding.
- (d) When the administrative case involves error of procedure.
- (e) When the administrative case involves abuse of discretion.

(2) Judicial remedies under rule of law: The rule of law lays down the basis of judicial control over administration. The rule of law as a concept has been explained elaborately by Prof. Dicey. According to him rule of law ensures equality before law which means that everybody, high or low, official or private citizen, is treated under the same law. No special courts are provided for trying the officials and uniform procedure is followed for everybody without any discrimination.

(3) Suit for damage against the state and its officials: An aggrieved party can file a suit against the official only as an individual for the damages for the wrong done to him. Because the theory of the rule of law signifies that the state cannot be held responsible for the misconduct of his officials, even if they harmed the persons in the official capacity. This is termed as the '*Doctrine of State Immunity*', which means that the state cannot be sued in its own courts without its consent. However, the power is not effective as the damages decreed by the courts cannot be usually recovered due to poor pecuniary conditions of the officials.

Importantly, effort has been made in this regard to reform the system in the countries where rule of law is prevalent. For instance, the Crown Proceeding Act, 1947 in the UK makes the Crown liable for torts committed by its servants. A similar step has been taken in the USA by the Legislative Reorganization Act, 1946. In India also, the state is not immune from liability for the wrong acts of its officials. The government is not, however, liable for the improper or unauthorized acts of its officials. The officials can be sued after due notice has been served to him.

(4) Control through issuing writs: In addition to the judicial remedies available to the citizens against suing the government and its officials, they have certain extraordinary judicial remedies known as writs against the arbitrary violation by the public officials. They are as follows:

- (a) **Habeas corpus:** Literally it means 'to produce the body of'. The writ is issued by the court in the nature of an order calling upon the person who has detained another to produce the latter before it in order to let it know on what ground he has been confined, and set him free if there is no legal jurisdiction for his confinement. The main purpose of this writ is to determine whether the person is legally detained or restrained in his liberties.
- (b) **Mandamus:** Mandamus means 'a mandate or a command'. This writ is an order issued by a common competent law court directing any persons, corporations or any inferior court. In fact, the writ is issued to a public official to do a thing which is a part of his official duty.
- (c) **Prohibition:** Prohibition is a judicial writ issued by a superior court to an inferior court for the purpose of preventing it from usurping jurisdiction with which it is not vested with. The writ commands the inferior court not to do a thing which is not authorized to do so.
- (d) **Injunction:** This is a writ issued by the court requiring a person to do or refrain from doing a thing. It may be called 'mandatory' when it requires the defendant to do a thing and 'preventive' when it requires the defendant to refrain from doing it. Again, mandamus cannot be issued against private person, while injunction is directed to the parties in the disputes. It should not be confused with prohibition. As Prohibition is a writ available against judicial authorities, while injunction is a writ against executive officials.

- (e) **Certiorari:** Literally it means to be certified or to be made certain. In other words, the writ means direction of a superior court to a inferior court for transferring the records of proceedings of a case pending with it for the purpose of determining the legality of the proceedings and for giving more satisfactory effects to them.
- (f) **Quo-warranto:** Quo-warranto means ‘what warrant or authority’? The writ is issued by the court to enquire into the legality of the claim which a party asserts to an office or franchise and to oust him from its enjoyment, if the claim be not well founded.

It is obvious that the writs mentioned above are in the nature of judicial control over judicial as well as administrative acts.

(5) Legal remedies under Administrative Law: There are certain countries where administrative law prevails. The state is liable and suable for all illegal acts of its officials. The officials in these countries are tried not in ordinary courts but in the administrative courts, which award damages from the public funds to the aggrieved parties. For instance, countries like France, where the system of Administrative Law (*Droit Administratifs*) is in existence and the liability of state for illegal acts of officials is fully established.

(6) Power of judicial review: The judiciary also exercise control over administration through the power of judicial review. It obviously means the power of judiciary to declare null and void of any acts, laws, ordinance or executive decision, if it goes against the norms of the supreme laws of the land-the Constitution. Countries like India and USA, the power of judicial review not only includes the legislative enactments but also the executive orders and administrative actions. However, in the UK the power of judicial review is merely confined to the administrative acts and excluded the legislative enactment, as because of their parliamentary sovereignty. Thus, through the power of judicial review, judiciary can declare *ultra vires* any administrative acts if it goes against the laws of the land.

Limitations of judicial control: Judicial remedies provide an effective control against official excesses or abuse of power by the public officials in protecting the rights and liberties of citizens. But there are a few limitations of judicial control which may be enumerated as follows:

1. All administrative actions are not subject to judicial control. There are a number of administrative actions, which cannot be reviewed by the law courts. Always there is a tendency on the part of the legislature to exclude by law certain administrative acts from the purview of the judiciary.
2. Even within its sphere of jurisdiction, the judiciary cannot by itself take cognizance of excesses on the part of officials. It can intervene only on the request of somebody who has been affected by an official action. This means that a negligible fraction of the cases of administrative excesses would come before the judiciary and that too after a person has already suffered.
3. The judicial process is very slow and cumbersome. The courts follow certain set technical pattern of procedure beyond the comprehension of a layman and then the procedure is so lengthy that it cannot be known as to when the final judgment shall be given. Sometimes the decision of the court comes when the damage has been done beyond repair: It is rightly said that ‘Justice delayed is justice denied’.
4. It has been alleged that sometimes the remedies offered by the law courts are inadequate and ineffective. In many cases, especially relating to business activities, mere announcement of an administrative action or even a reminder concerning a proposed action may cause an injury to the individual against whom not even a suit can be filed in the law court.

5. The judicial action is expensive and cannot therefore be taken advantage of by many people. Filing a suit means paying the court fee, lawyer fee engaged and cost of producing witnesses and undergoing all inconveniences and only those who can afford can bear.
6. The highly technical nature of most of the administrative actions saps the force of judicial review. The judges are only legal experts and they may have scant knowledge of the technicalities and complexities of modern administrative problems. Their legal bent of mind may impede them in arriving at a right decision. That is why the modern trend is towards the establishment of Administrative Tribunals, which consist of person's expert in technical matters.

Despite the above stated limitations, the judicial control over are indispensable to hinder the public officials from the misuse of authority. Indeed, judicial control is regarded as the most vital means to prevent the public officials from using their powers arbitrarily.

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