
THE DOCTRINE OF LEGITIMATE EXPECTATION IN ADMINISTRATIVE LAW: SCOPE EVOLUTION AND JUDICIAL TRENDS

By- Bhumika Jeswani¹

ABSTRACT

Can a citizen challenge a government decision not because it violates a legal right but because it affects the promise and practice that they relied upon? The doctrine of legitimate expectation answers to this question. This doctrine serves as the central concept of public law, aiming to ensure governmental fairness and non-arbitrariness in the administration of justice. Dissatisfied expectation is brought to the fore when a public shape, by its practice, policy statements, or expressed promises, convinces an ordinary man that a course or benefit will be kept up and followed. It is more a principle of natural justice than a legal right, but one which offers procedural protection. This paper addresses several key issues: the extent to which administrative acts in practice give rise to legitimate expectations, the historical evolution of this concept, and the current trends among judges in their interpretation of it. The Indian courts acknowledge both procedural and substantive legitimate expectations, but the latter is generally upheld only when procedural fairness demands it. The paper concludes that while aggrieved individuals do not always enjoy enforceable rights, the system remains a good shield against arbitrariness; it promotes responsibility and also helps to ensure trust in public administration.

KEYWORDS: Natural justice principle, non-arbitrariness, procedural fairness, and reasonable expectations

INTRODUCTION

¹Intern, Lex Lumen Research Journal.

A key element of public law is the theory of legitimate expectation, which makes it possible to contest capricious administrative rulings and advances fairness and justice in the administrative process. Rooted in natural law philosophy and methods², it aims to protect the interests of those who feel entitled to a particular kind of treatment from public agents based on the mere fact that those authorities have promised it.

Were you to deliver someone less than they have reason to expect or conduct things in a markedly different from expected manner without good cause, one way of looking at this outcome would be that legitimate expectation does not provide people with much in the way of concrete remedy.

As a concept, the doctrine originates from common law³ and has been developing gradually, adapting to Indian jurisprudence. It bridges the gap between the legal entitlement and the assurance given by state authorities. Although the administrative authorities have discretion, this ensures that they may not abuse their power to act arbitrarily. This thus attempts to suppress such discretionary power and limit its use, requiring authorities to act reasonably, especially when their actions contradict prior assurances or established practices that have led to a belief in a specific administrative action.

The development of doctrine has mirrored a larger shift in administrative law from static to dynamic consideration. Cases that arrived at an early stage had focused more on procedural fairness and found that the public authority had strayed from providing individuals with access to fair justice. However, in more recent years, the courts have expanded the scope of this doctrine to substantive legitimate expectation, which is where the claim is not about the process but the outcome delivered by the authority. For instance, it can be the application of promised benefits to any individual or the course of action that has not been fulfilled despite a promise. This expansion has sparked a debate over the balance between public interest and individual fairness.

² S.P. Sathe, Administrative Law 210 (7th ed. 2004)

³ M.P Jain, Indian Constitutional Law 1014 (7th ed. 2014)

METHODS

This research is based on both primary and secondary sources, including constitutional provisions and legal commentary journals. Using the doctrinal methodology, the paper examines the expanding scope of the doctrine of legitimate expectation, shifting from a procedural safeguard mechanism to a substantive safeguard. The invention also expands upon the starts-with presumption implicating the tension phrase, noting how courts need to reconcile individual rights with wider public goods to inspire a sense of justice and allow for efficient governance. Ultimately, this doctrinal examination has demonstrated that the courts' institution of the doctrine has made a notable and significant contribution to enhancing administration in India in a manner that is transparent, efficient, and balanced.

SCOPE AND APPLICATION

The concept of legitimate expectation occupies the center stage in contemporary public law. It is a principle of fairness and reasonableness in the exercise of discretionary power by public bodies. It ensures that these decisions by the authority must not be arbitrary or contrary to prior conduct and representation policies, which can give rise to a reasonable expectation on the part of an individual. The scope of this doctrine extends beyond mere procedural fairness; in some instances, substantive expectation can also arise when public authority, through its past practices, promises, or published policies, creates an expectation in the minds of individuals for the same treatment or benefit that the authority has mentioned. These expectations do not equate to enforceable legal rights⁴ but rather serve as a basis for judicial review when individuals are disappointed by administrative actions.

In aspect of the doctrine's application, it must be reasonable and legitimate and should be based on conduct attributable to the authority. This doctrine has been primarily involved in cases such as the denial of licenses or permits, abrupt changes in public policy, deviations from long-standing

⁴ H.W.R. Wade & C.F. Forsyth, *Administrative Law* 449 (11th ed. 2014)

administrative practices, the withdrawal of benefits, and many other similar instances. Indian courts have followed mainly an English approach; the first recognition was made in the case of Navjyoti Coop. In Group Housing Society v. Union of India (1992)⁵, the Supreme Court held that an established practice of allotting land based on seniority creates a legitimate expectation that the public authority cannot arbitrarily ignore. Similarly, in the case of Union of India v. Hindustan Development Corporation (1993)⁶, the Court held that a legitimate expectation does not guarantee the fulfillment of the expectation. Still, it does entitle the person to a fair hearing and an explanation for the decision.

However, the scope of the doctrine is not unlimited; overriding considerations of public interest, national security, and statutory provisions support it. According to the courts, there shall be no expectation which is contrary to law or public interest. By holding public officials responsible for their declared policies and actions, the doctrine encourages openness and predictability in governance. Additionally, it promotes confidence in public institutions and offers procedural protections to the individual⁷. To guarantee that people's expectations are upheld, the courts must handle cases carefully.

EVOLUTION

The concept of legitimate expectation was first ever coined by lord denning in the year 1869; it meant that when any ordinary man expects a specific procedure or relies upon an express promise done by any administrative authority, he expects things to be done the same way as promised creates his expectation towards the authority that shall be fulfilled as mentioned. However, the expectation of the expectant must be legitimate, that is, legal and moral in its means; it shall not be ultra vires to the law.

⁵ Navjyoti Coop. Group Housing Soc'y v. Union of India, A.I.R. 1993 S.C. 155

⁶ Union of India v. Hindustan Development Corporation (1993) 3 S.C.C. 499

⁷ De Smith, Woolf & Jowell, Judicial Review of Administrative Actions 608 (6th ed. 2007)

The doctrine of legitimate expectation is neither a legal right nor a duty of any administrative authority. Instead, it is a procedural point for courts to invoke judicial review. The concept is based on the principles of natural justice; therefore, any action of an administrative authority shall not be arbitrary, unfair, or unreasonable.

The cautious expansion of the doctrine to encompass substantive legitimate expectations—where the expectation extends beyond a fair procedure to a specific benefit or outcome—is a recurring judicial trend in India. In general, courts have been hesitant to uphold substantive expectations unless an unambiguous promise or policy supports them. The Rajasthan High Court ruled in *J.P. Bansal v. State of Rajasthan* (2003)⁸ that a hope based on prior behavior does not qualify as a legitimate expectation unless there is a specific assurance. Similarly, the doctrine cannot supersede constitutional or statutory requirements. The Court reaffirmed in *State of Bihar v. Kalyanpur Cement Ltd.* (2010)⁹ that reasonable expectations cannot be upheld in situations where they are in opposition to the law or the general welfare.

Indian courts have applied the doctrine as a judicially manageable instrument to uphold the authority's right to change policy in response to more significant social or economic demands while also enforcing openness, equity, and non-arbitrariness in administrative action. The judicial trend reflects a balanced approach, allowing individual expectations to be upheld when they are justified by the law and justice while avoiding impeding reforms in the public interest or fossilizing governance. Legitimate expectation is a dynamic, context-sensitive doctrine in Indian administrative law, thanks to this developing body of jurisprudence.¹⁰

CONCLUSION

Putting forth the values of accountability, transparency, and equity in public governance, the "doctrine of legitimate expectation" has become a crucial check on capricious administrative

⁸ *J.P. Bansal v. State of Rajasthan*, A.I.R 2003 Raj. 286

⁹ *State of Bihar v. Kalyanpur Cement Ltd.*, (2010) 3 S.C.C. 274

¹⁰ M.P Jain, *Indian Constitutional Law* 1015 (7th ed 2014)

action. Indian courts have gradually expanded the scope of doctrine from its initial confinement to procedural fairness to occasionally include substantive expectations, albeit cautiously and in specific situations. A dynamic interplay between individual rights and the needs of the public interest is reflected in the Indian judiciary's changing position, which is influenced by English common law but is also customized to the country's constitutional framework. Although the doctrine doesn't guarantee a safeguard, it does enable citizens to contest the decision if they find it unreasonable or arbitrary. At the same time the courts state that the doctrine cannot override the statutes which mandate or broader public interest is the concern. This balanced judicial approach ensures the efficiency and flexibility to individuals from sudden and unjustified deviations by public authorities. As Indian administrative law continues to evolve, the doctrine of legitimate expectation stands as a testament to the courts' role in infusing public administration with constitutional values and fostering a more participatory and predictable governance framework.

REFERENCE

- Food Corporation of India v. Kamdhenu Cattle Feed Industries, (1993) 1 S.C.C. 71.
- Hindustan Development Corporation, Union of India v., (1993) 3 S.C.C. 499.
- Jain, M.P., *Indian Constitutional Law* (7th ed. 2014).
- J.P. Bansal v. State of Rajasthan, A.I.R. 2003 Raj. 286.
- Kalyanpur Cement Ltd., State of Bihar v., (2010) 3 S.C.C. 274.
- Navjyoti Cooperative Group Housing Society v. Union of India, A.I.R. 1993 S.C. 155.